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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 INTERVIEW OF: JENNIFER MOORE

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15 Tuesday, July 26, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held in Room 5480, O'Neill House Office  
21 Building, commencing at 10:04 a.m.

1     Appearances:

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4     For the SELECT COMMITTEE TO INVESTIGATE

5     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7     [REDACTED], INVESTIGATOR

8     [REDACTED] INVESTIGATIVE COUNSEL

9     [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10    [REDACTED], CHIEF INVESTIGATIVE COUNSEL

11    [REDACTED] RESEARCHER

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13    [REDACTED], PROFESSIONAL STAFF MEMBER

14    [REDACTED] INVESTIGATIVE COUNSEL

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16    For the COMMITTEE ON HOUSE ADMINISTRATION:

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18    [REDACTED] COUNSEL

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20    For OFFICE OF GENERAL COUNSEL, OFFICE OF THE

21    GENERAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION:

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23    MEGAN L. GREER

24    KATHERINE TOTH

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1 For OFFICE OF LEGISLATIVE AFFAIRS,

2 U.S. DEPARTMENT OF JUSTICE:

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4 KIRA ANTELL

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7 For OFFICE OF CONGRESSIONAL AFFAIRS,

8 FEDERAL BUREAU OF INVESTIGATION:

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10 MARK ESPIRITU

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1           Mr. [REDACTED] So this is an interview of Jennifer Moore conducted by the House  
2 Select Committee to Investigate the January 6th Attack on the United States Capitol  
3 pursuant to House resolution 503.

4           Ms. Moore, could you please state your full name and spell your name -- last  
5 name for the record.

6           Ms. Moore. Jennifer Lee Moore, last name spelled M-o-o-r-e.

7           Mr. [REDACTED] I'll start by asking everyone in the room to introduce themselves  
8 for the record. I'll begin with my colleagues.

9           Mr. [REDACTED] I'm [REDACTED] I'm the chief investigative counsel. Thanks for  
10 being here.

11          Ms. [REDACTED] Hi. [REDACTED], senior investigative counsel. Thank  
12 you, all.

13          Mr. [REDACTED] [REDACTED] professional staff.

14          Mr. [REDACTED] I'd ask that your counsel now introduce themselves.

15          Ms. Greer. Hi. Megan Greer from FBI Office of General Counsel.

16          Ms. Toth. I'm Katherine Toth, also from FBI Office of General Counsel.

17          Ms. Antell. Kira Antell, Office of Legislative Affairs, U.S. DOJ.

18          Mr. Espiritu. Mark Espiritu, FBI Office of Congressional Affairs.

19          Mr. [REDACTED] This will be a staff-led interview, and members, of course, may  
20 choose to ask questions if they happen to join the call. My name is [REDACTED] and  
21 I'm an investigative counsel for the select committee.

22          Before we begin, I'd like to describe a few ground rules. This is an official  
23 reporter transcribed -- there is an official reporter transcribing the record of this  
24 interview. Please wait until each question is completed before you begin your response,  
25 and we will try to wait until your response is complete before we ask our next question.

1           The stenographer cannot record nonverbal responses, such as shaking your head,  
2           so it is important that you answer each question with an audible, verbal response. We  
3           ask that you provide complete answers based on your best recollection. If the question  
4           is not clear, please ask for clarification. If you do not know the answer, please simply  
5           say so.

6           I also want to remind you that it is unlawful to deliberately provide false  
7           information to Congress, which we, of course, advise every witness that appears before  
8           us. And you will have an opportunity to review the transcript once it is completed.

9           It's my understanding you have a statement you'd like to read into the record?

10          Ms. Moore. I do.

11          Ms. Greer. If I -- if I could make just one comment. Thank you for having us.  
12          EAD Moore has been authorized by the Department to talk about the Washington Field  
13          Office's preparations in advance of January 6th. Of course, she needs to be mindful to  
14          not speak about ongoing investigations and prosecutions.

15          Just as a global matter, a number of the pieces of information she'll be discussing  
16          today is law enforcement sensitive at the "for official use only" level, and as always, we  
17          appreciate the committee's ongoing cooperation with us in making sure that that  
18          information is protected.

19          Ms. Moore. All right.

20          Mr. [REDACTED] And before we start, we need to start recording on the video itself, so  
21          I just want to make everyone aware. And I need to figure that out myself because  
22          Sadallah is saying that I need to do it on my end here.

23          Ms. Antell. There's no video recording.

24          Ms. [REDACTED] So the Webex records automatically, so I think that's what  
25          [REDACTED] is talking about. By our terms, we understand there's no video recording.

1           Mr. [REDACTED] So we're off the record.

2           Mr. [REDACTED] Off the record. Thank you.

3           [Discussion off the record.]

4           Mr. [REDACTED] We can go back on the record, and the floor is yours, Ms. Moore.

5           Ms. Moore. Good morning. My name is Jennifer Moore, and I'm an executive  
6 assistant director at the FBI. I have served in a number of roles since I joined the Bureau  
7 27 years ago, including as special agent following my selection in 1998. In 2019, I was  
8 named special agent in charge of the intelligence division at the Washington Field Office.  
9 This is the position I held on January 6, 2021. I returned to FBI quarters in July of last  
10 year, and I am now the executive assistant director of the human resources branch.

11           I am here today to address WFO's preparations and planning for January 6th. As  
12 you know, this supplements the FBI's numerous document productions and briefings that  
13 have been provided to the committee.

14           Before I take your questions, I want to briefly provide an overview of the steps  
15 that Washington Field Office undertook in the days leading up to January 6th to detect  
16 and prevent threats of violence. Our efforts fell into three main categories: First, we  
17 sought and collected intelligence that we legally could, including information that was  
18 posted online or collected from other FBI field offices throughout the country; second, we  
19 continuously shared intelligence with our partners in the national capital region through  
20 multiple avenues, including frequent phone calls, scheduled meetings, emails and the  
21 establishment of command posts, both at the Washington Field Office and FBI  
22 headquarters; third, based on what we were seeing in intelligence, we took the rather  
23 extraordinary step of prepositioning or placing on standby tactical teams and specialized  
24 resources to respond if needed. Because of our ready posture, we at the Washington  
25 Field Office, along with other FBI assets, were positioned to deploy resources and assist

1 immediately.

2 Like you, I was appalled at the violence and destruction we witnessed on  
3 January 6th, violence that was targeted at our elected leaders and government  
4 employees, including our fellow brothers and sisters in law enforcement. I can assure  
5 you, we remain focused on getting to the bottom of what happened that day.

6 At the FBI, our goal is to always disrupt and stay ahead of the threat, and we are  
7 constantly trying to learn and evaluate what could have been done better or differently.  
8 This is particularly true when we see something on the scale of January 6th. I want to  
9 underscore that, as you will see from my discussion of WFO's preparations, we made  
10 considerable efforts to identify and mitigate threats related to January 6th. We did not  
11 treat it as business as usual.

12 As you are aware, all FBI investigative activity must have an authorized law  
13 enforcement, national security, intelligence, or public safety purpose. At the F -- the FBI  
14 may not engage in investigative activity solely to monitor the exercise of constitutional  
15 rights, such as the free exercise of speech, religion, assembly, or press.

16 The FBI routinely participates in planning related to large-scale events in the  
17 National Capital Region, including those events designated by the Department of  
18 Homeland Security as national special security events, or more commonly called an NSSE,  
19 for which there are specific protocols and roles for the Department of Justice and its  
20 components.

21 Traditionally, the Metropolitan Police Department, United States Capitol Police,  
22 and United States Park Police take the lead in planning for demonstrations, such as those  
23 planned for January 6th since the security and protection of the city, the Capitol, and the  
24 relevant Federal land falls under the purview of those agencies respectively.

25 The FBI in not -- is not itself a police department. But in the event of large-scale

1 demonstrations, the role of the FBI generally includes dissemination of relevant threat  
2 intelligence information to partner agencies, the investigation of potential Federal  
3 criminal violations, or threats to national security and the mitigation of those threats.  
4 Additionally, if partner agencies request authorized assistance, the FBI provides tactical  
5 assistance for specialized incident response.

6         Though the anticipated events of January 6th had not been designated as by the  
7 Department of Homeland Security as an NSSE, the Washington Field Office leveraged our  
8 past experience preparing for an NSSE. As part of this process, we analyzed intelligence  
9 to proactively prepare and alert our partners at the Federal, State, and local levels to  
10 potential threats of violence and criminal activity.

11         This was, in part, because the NSSE planning for the upcoming Presidential  
12 Inauguration was underway, and we were already in frequent communication with our  
13 partners about the threat picture in the national capital region. Washington Field Office  
14 is also uniquely positioned within the FBI by virtue of our office size and our depth of  
15 experience with the type of activities that regularly occur in the D.C. area for events of  
16 this scale.

17         Well in advance of January 6th, the FBI prioritized collection, sharing, and  
18 dissemination of intelligence with our law enforcement partners. Throughout 2020, the  
19 FBI issued approximately a dozen external intelligence products to our partners,  
20 specifically raising concerns about domestic violent extremism, including concerns about  
21 domestic violent extremism related to the election, and related to domestic violent  
22 extremism continuing past Election Day itself, right up to the time of the certification and  
23 the inauguration.

24         Throughout these products, raw intelligence was shared with Federal, State, and  
25 local partners warning of the threat posed by domestic violent extremists, including the



1 potential for increased violent extremist activity at lawful protest events.

2 For example, in June of 2020, the FBI issued two separate joint intelligence  
3 bulletins highlighting the potential for increased violent extremist activity occurring  
4 during lawful protests taking place in communities across the United States. These  
5 products have already been shared with the committee.

6 In the weeks leading up to January 6th, Washington Field Office participated in  
7 numerous frequent coordination meetings and partner calls with other Federal, local law  
8 enforcement agencies, including the Capitol Police and Metro Police Department, that  
9 focused on threat intelligence sharing and planning relating to the election and the  
10 inauguration. These discussions focused on each agency's operating posture in light of  
11 the planned events on the 6th, including the tactical assets that would be available in  
12 support of other agencies.

13 As a general matter, the FBI receives tips and intelligence from various sources,  
14 and we must assess the credibility and viability of information under the laws and policies  
15 that govern the FBI investigations. The FBI's National Threat Operations Center serves  
16 as a primary communication channel for the public to provide information on Federal  
17 crimes and threats to national security.

18 Information of lead value has been provided to the appropriate FBI field office or  
19 law enforcement agency for action. Of course, the FBI cannot and does not investigate  
20 groups or individuals based solely on the exercise of First Amendment-protected activity.

21 In the weeks leading up to January 6th, the FBI engaged all 56 field offices to  
22 collect information on threats to the National Capital Region, and engaged in mitigation  
23 activities based on the potential for threat activity. Field offices were asked to canvass  
24 their confidential human sources for any reporting regarding the potential for violence  
25 related to the election or the inauguration.

1 Washington Field Office, along with the other FBI field offices and field FBI  
2 divisions, actively monitored threats related to January 6th, and shared threat  
3 information with our partners. Our analysts worked tirelessly to perform preliminary,  
4 open-source analysis to identify any threats of violence or criminal activity related to  
5 potential protest activities in the national capital region, and to share these threats with  
6 partners as appropriate, including information posted online.

7 The timing coincided with the expiration of the Bureau's contract with an existing  
8 social media tool and the awarding of a contract to a new provider that began on  
9 January 1, 2021. Although this transition and its timing was a challenge for the  
10 Washington Field Office, my team was absolutely focused on any actionable intelligence  
11 that was being posted online.

12 We had an open assessment that under our investigative guidelines gave us  
13 authority to identify, obtain, and utilize information about actual or potential national  
14 security threats, Federal criminal activities, or the vulnerability to such threats or  
15 activities.

16 In addition, we created a specific Guardian tag, cert unrest, on December 27,  
17 2020, to track Guardians related to the election certification on January 6th. A Guardian  
18 assessment is a process by which the FBI examine incidents to determine where there is a  
19 nexus to terrorism, cyber, or other criminal activity to warrant further investigation or to  
20 apply additional investigative resources as determined by the attorney general guidelines  
21 and FBI policies. The "cert unrest" tag allowed us to quickly see all Guardians with a tag  
22 across the Bureau, even if the Guardian was assigned to a different field office.

23 In addition to the "cert unrest" tag, Washington Field Office was also running our  
24 own keyword searches in the Guardian system to see other Guardians that might be  
25 related to January 6th but that did not have the "cert unrest" tag.

1           Again, as you've seen from the Guardian email summaries that were circulated by  
2           the Washington Field Office in advance of January 6th, we were not only looking at the  
3           Guardians assigned to Washington Field Office; rather, we were actively engaged with  
4           other field offices and our law enforcement partners about the information we had.

5           The process included conferring with field offices that had opened investigations  
6           on predicated subjects who had expressed an intent to travel to Washington, D.C. for  
7           January 6th. For these travelers, the relevant field offices were asked to prepare  
8           mitigation plans based on the facts of the specific investigation, and, of course, being  
9           mindful of an individual's First Amendment rights. WFO was in frequent contact with  
10          the other field offices and FBI headquarters regarding these subjects.

11          As I mentioned a moment ago, but it bears repeating, we were also in  
12          frequent -- and I do mean daily -- communication with our Federal and local law  
13          enforcement partners, including the agencies responsible for leasing Washington, D.C.,  
14          the Metro Police Department, and securing the Capitol, the Capitol Police.

15          During this time, while we and our partners were aware of and certainly planned  
16          for a response to potential violence in the national capital region on January 6th, WFO  
17          was not aware of actionable intelligence indicating that people would storm the Capitol  
18          Building.

19          In our review to date, across the Bureau, there were several dozen pertinent and  
20          specific Guardians open in advance of January 6th. This means that these Guardians  
21          included a reference to January 6th, Washington, D.C., and either the U.S. Capitol or  
22          specific threat of violence. The majority of these resulted from public reports; others  
23          were referrals from law enforcement partners, FBI headquarters, or from CHS,  
24          confidential human source reporting.

25          The majority of the Guardians originated from social media platforms. With

1     respect to the disposition of these Guardians, nearly half were open as Guardian  
2     assessments, several contributed to opening a new predicated investigation or  
3     contributed to an existing predicated investigation, and the rest were closed for  
4     information only.

5             As a general matter, Guardians may be closed for information only based upon a  
6     lack of specificity, a lack of a criminal allegation, designation as protected First  
7     Amendment activity, or because there is insufficient information to identify the subject.  
8     Closing a Guardian does not mean, however, that the information is not shared with our  
9     partner.

10            Of these Guardians, fewer than half were assigned to WFO specifically, roughly 15  
11     were closed for information purposes, roughly three were converted to assessments in  
12     advance of January 6th, and one Guardian assigned to the Washington Field Office on  
13     January 5 was open on January 6th. It was linked with another field office's Guardian  
14     and supported a subsequent full investigation.

15            Being mindful of information that may be tied to ongoing investigation and  
16     prosecutions, I am ready to discuss a snapshot of the Guardians that WFO was tracking  
17     most closely leading up to January 6th. All of these preparations supported and  
18     culminated in the establishment of two FBI command posts in advance of January 6th.  
19     Briefly, command posts are established to facilitate rapid information sharing with  
20     briefings provided to all participants on a set schedule or as warranted.

21            The FBI activated its National Crisis Coordination Center -- you'll hear it referred to  
22     as "NC3" -- on January 5th at FBI headquarters. The NC3 included multiple FBI  
23     headquarters divisions, as well as representatives from Federal partners, including DHS,  
24     the Department of Defense, the Department of Justice, and U.S. Park Police. NC3's  
25     purpose was to collect, analyze, and share intelligence with law enforcement partners so

1       that every agency in the command post had a common operating picture.

2               In addition to the headquarters NC3, Washington Field Office stood up our own  
3       interagency command post, which also activated on January 5th.   Washington Field  
4       Office's command posts included representatives from Capitol Police, Park Police, Metro  
5       Police Department, and Secret Service, all of whom were co-located in the Washington  
6       Field Office's dedicated command post space so that information intelligence could be  
7       shared in real time.

8               Our command post at Washington Field Office was connected virtually to the NC3  
9       for briefings and other information sharing.   On the evening of January 5th, we  
10      instituted regular briefing cycle for sharing threat intelligence and other pertinent  
11      information with immediate threats being shared as they were received.

12              These command posts were in addition to the presence of task force officers on  
13      the Joint Terrorism Task Force and FBI employees embedded throughout the U.S.  
14      intelligence community to share intelligence information with the FBI and their agencies.  
15      The FBI's national Joint Terrorism Task Force situated at FBI headquarters includes more  
16      than 40 interagency partners, including Capitol Police, and it's complemented with our  
17      JTF -- JTTFs in all field offices.

18              Finally, in advance of January 6th, the Washington Field Office, along with other  
19      FBI field office and headquarters divisions, were prepared to quickly respond if and when  
20      incidents occurred.   As you know, this included two pipe bombs and numerous other  
21      threats or incidents around the city, in addition to the events at the Capitol.

22              Specifically, at the Washington Field Office, three SWAT teams and our special  
23      agent bomb techs and evidence response teams were on active standby in the office and  
24      had representatives in the Washington Field Office command post, starting on  
25      January 5th.   Two teams of SWAT operators from Baltimore were prepositioned in the

1 national capital region, so that in event they were needed, they could quickly respond.

2 And a unit of the FBI's hostage rescue team was also on standby.

3 Throughout the course of the day, on January 6th, the FBI remained in constant  
4 communication with our Federal, State, and local partners, including through the  
5 Washington Field Office and NC3 command post.

6 I hope this has provided a helpful overview of the WFO's mission, role, and  
7 preparation in advance of January 6th. I will close by repeating what Director Wray has  
8 said, that the FBI is committed to learning from the events of January 6th to be sure that  
9 nothing like what happened at the Capitol ever happens again.

10 Since January 6th, for instance, we have made improvements to ensure the  
11 intelligence is shared with our partners at the proper level, from the bottom up and from  
12 the top down, to ensure that decision-makers are equipped with the best, most recent  
13 information, and we have continued to prioritize domestic terrorism investigations to  
14 develop sources and intelligence in our effort to stay ahead of the threat.

15 I'll now be glad to take your questions.

16 [REDACTED] Thank you very much.

17 Just for the record, I wanted to state my colleague, [REDACTED], investigative  
18 counsel for the select committee, is also in the room.

19 EXAMINATION

20 BY MR. [REDACTED]

21 Q Ms. Moore, can you tell us, start just -- and you kind of mentioned it in your  
22 statement, so I may be going over some of the same material. Where do you work  
23 currently and under what title?

24 A Currently, I serve as the executive assistant director for the human resources  
25 branch stationed at FBI headquarters in D.C.

1 Q When did you start as that title?

2 A In this title, I started in June of 2022.

3 Q And what precipitated the move?

4 A Prior to this position I served as our assistant director of the security division,  
5 and I was named that in July of 2021.

6 Q Okay. I guess, I meant to say, why did you make the move? Why -- why  
7 did you go over to human resources?

8 A I was asked by the Director to serve in that capacity.

9 Q Okay. Where did you work back on January 6th of 2021?

10 A January 6th of 2021, I served at the Washington Field Office as a special  
11 agent in charge over intelligence.

12 Q Okay. And when did you assume that position?

13 A I assumed that position in October of 2019.

14 Q So is it fair to say, then, you left that position July of 2021?

15 A I did.

16 Q Okay. Perfect. May you briefly describe your professional experience  
17 leading up to your time as the special agent in charge of the Intelligence and Incident  
18 Response Division at Washington Field Office?

19 A I entered the Bureau in 1995 as a professional staff employee, supervisory  
20 level, in the San Diego field office. In 1998, I was selected as a special agent, attended  
21 Quantico. I had a first office assignment in the Dallas Field Office, where I specialized in  
22 public corruption.

23 From Dallas, I returned to FBI headquarters, worked in our inspection division.  
24 From inspection division, I was selected to serve as a resident senior agent, or senior  
25 resident agent, at the Las Vegas Field Office in northern Nevada overseeing Reno, Elko,

1 and South Lake Tahoe resident agencies.

2 From there, I returned to Louisville, Kentucky, or I went to Louisville, Kentucky,  
3 where I served as the criminal assistant special agent in charge. From there, I returned  
4 to headquarters as a senior executive service in the security division. And from that  
5 assignment, I went out to Washington Field Office.

6 Q Okay. Let's talk about the Intelligence and Incident Response Division.  
7 Can you just tell me, what does it do?

8 A At the time of January 6th, so as we back up a little bit, so when I took  
9 possession of that branch or leadership role, it was just the intelligence division. It  
10 became the Intelligence and Incident Response Division in late March of 2021. And in  
11 that capacity, the branch oversees the intelligence production for the national capital  
12 region, our area of responsibility, which largely covers a portion -- I'm sorry -- of Virginia  
13 and all of D.C. Metro.

14 Q So is it fair to say, then, when you took over as the special agent in charge  
15 you hadn't worked in that branch, that division previously?

16 A No, sir, I had not.

17 Q Okay. Talk to me about the Washington Field Office in particular. Is it  
18 different in structure, or play any different role given its location in the national capital  
19 region versus other FBI field offices around the country?

20 A So the Washington Field Office is what we call an extra-large field office. In  
21 the Bureau, there's three of those: New York, L.A., and Washington Field Office. So by  
22 Bureau's size, we're number two. That makes us significantly larger than, say, our 56  
23 Field Office Alaska, right, who has 54 special agents.

24 So in the Dallas Field -- or, excuse me, in the Washington Field Office we have an  
25 assistant director in charge, and then under that, we divide up the branches of



1 responsibility amongst five special agents in charge. Comparing that to like a Dallas,  
2 Dallas will only have a special agent in charge, so one SAC over that. Because of the  
3 concentration of violations and people in the AOR, we have such -- a much larger  
4 footprint.

5 Q And in particular, as special agent in charge in charge of the intelligence  
6 branch, what was your role? So just give us a little bit of your job -- a job description of  
7 your post.

8 A My job at that time oversaw obviously all of our intelligence production, that  
9 would be our roughly 100 intelligence analysts, 75 support operations specialists  
10 specifically assigned to intelligence, our human source, or HUMINT developed handlers,  
11 our covert surveillance, and our linguists.

12 Q And who was your direct supervisor at the time?

13 A At the time that I took over, or the time of January 6th?

14 Q Let's talk about, yeah, the buildup to January 6th and the 6th itself.

15 A When I was first assigned, my assistant director in charge I reported to was  
16 Timothy Slater. In October of 2020, it changed to Steve D'Antuono.

17 Q And you got into this a little bit, if you could just talk to us about how your  
18 team is divided, the structure of the intelligence branch and how labor is divided among  
19 them?

20 A So for the intelligence branch, I have two assistant special agents in charge.  
21 We also call them ASACs. One specifically handled all of my covert surveillance assets,  
22 lookouts, those type of classified things. My second assistant special agent in charge  
23 handled all of our HUMINT operators and HUMINT development and a special technical  
24 platform that we have there that's classified way beyond this level.

25 And then I have three supervisory senior intelligence analysts. Each of them

1       oversee a specific section of intelligence, so one is over criminal and national security,  
2       one is over counterintelligence, and one oversees what we call our coordination center,  
3       which looks at your AOR and how it's made up.

4               Q     AOR being area of responsibility?

5               A     I'm sorry, yes.    I apologize.

6               Q     Oh, no, you're fine.   How many people total is that then in the intelligence  
7       branch under your supervision?

8               A     600 roughly.

9               Q     How would you characterize the branch's relationship to intelligence; that is,  
10       are you mainly an intelligence collection division, intelligence consuming division,  
11       intelligence sharing division, all three?   How would you characterize it?

12              A     We do all three.    So obviously we consume intelligence from our  
13       colleagues, our partners all across the Bureau.   We collect it all and then we will analyze  
14       it and disseminate.   So we do all sorts of things.   So we do both strategic, looking long  
15       term, and both tactical, looking at a specific cases and actual intelligence with that case.

16              Q     Is it fair to say, because you just mentioned you collect from your partners,  
17       you yourselves are also primary collectors of intelligence?   You don't rely just on your  
18       partners.   Is that right?

19              A     Absolutely not, no, correct.

20              Q     Okay.   Perfect.   And I guess, could you give me -- it may be a little bit hard,  
21       but give me a rough like breakdown of what you largely do.   Do you feel as though you  
22       are sort of doing that primary collection, open-sourcing?   Is that a lot of what you do?  
23       Is it more the sharing?   Is it more relying on partners?   Where would you say is the real  
24       thrust of your day in and out?

25              A     It is divided and depending upon the event or what is going on.   So you may

1 have, as in January 6th or inauguration, we're sharing, right. We're collecting but we're  
2 sharing. We're collecting within the FBI and we're sharing it amongst Federal, local, and  
3 State partners.

4 If we're doing a criminal investigation that's our end case, we're looking at that,  
5 gathering information that we can and feeding it to our investigators so they can execute  
6 on cases. So it's -- our investigators are special agents. So it really is divided  
7 depending upon the specific assignment at any given time.

8 Q Do you find that as the, you know, FBI, you know, a Federal agency in the  
9 intelligence community, that your partners rely on you for disseminating intelligence that  
10 you yourself have collected? Do you feel as though you're one of the main sort of  
11 disseminators of intelligence in the community or --

12 A I think the FBI is a primary disseminator of intelligence, but we are, by far,  
13 not the only one. All of our partner agencies, including Federal, all have an intelligence  
14 component. Everyone plays a very large role in that. I think at times we're just largely  
15 staffed or that could be perceived as that, but by no stretch are we the only one  
16 collecting and disseminating intelligence.

17 Q Okay. And you described it a little bit, that it depends on the events, sort  
18 of, what you're more doing. And I think you talked about it a little bit, but can you get  
19 into more detail for me, how did it operate in terms of that division of whether it's mainly  
20 collecting, mainly consuming, mainly sharing intelligence in the buildup to January 6th  
21 itself? For that event, what would you say was the -- your branch's predominant role?

22 A At that point, we were scouring all open-source media. We were operating  
23 under what's called a Type 3 assessment, which gives us legal authority to look like at  
24 open source on the internet -- we can't look at anything closed or that requires special  
25 memberships to -- gathering that intelligence and evaluating what was being posted out

1       there in social media to get atmospheric.

2               Additionally, we were directing our agents and colleagues in other field offices to  
3       canvass their CHSs, their human sources, that type of information.   So we were both  
4       collecting and disseminating regularly.

5               Q     Okay.

6               A     Like it was an on -- it's a cycle.   Like there's not one thing that you do in  
7       intelligence.   It's a cycle, and it always has to happen, because if you just collect, that  
8       serves no purpose.   You have to collect and disseminate.

9               Q     Okay.   So I wanted to talk about exhibit 19.   I don't know that you have it  
10      in front of you.

11              A     I don't.

12              Q     Oh, but I think we can provide it, so perfect.   So 19.   And in exhibit 19,  
13      Matthew Alcock says in the thread, quote, "We're mostly packaging and passing along  
14      intel and observation from our partners," end quote.   This was, I believe, in the buildup  
15      to January 6th.   I believe it's either January 2nd, if I'm not mistaken.

16              Do you need me to point to you where it is, or is that portion --

17              A     I mean, you can quote it --

18              Q     Yeah, I quoted it.   I don't know if that portion is familiar.   I know for the  
19      record, we've given you the exhibits to review.

20              A     Yeah, I have looked at it before.

21              Q     Perfect.

22              A     So let me explain the difference.   Well, go ahead and read the question you  
23      were going to ask me.

24              Q     Well, the question was going to be, in essence, is that accurate what you  
25      wrote there about what you're mostly doing, packaging and passing along intel and

1 observation from our partners?

2 A So let me explain, again, the setup at Washington Field Office. I am the  
3 special agent in charge over the intelligence division. My job is the collection,  
4 dissemination, and sharing of intelligence. Matt Alcock is the special agent in charge of  
5 the terrorism division or the national security division. He does not oversee intelligence,  
6 so I think Matt, in a laymen's term, is using inappropriate wording for what we were  
7 doing. Matt is not the intelligence SAC.

8 Q All right. So you disagree with his assessment there?

9 A Yes.

10 Q I'll keep -- with that caveat, I just have another thing to quote from him if  
11 that's okay.

12 A That's okay.

13 Q He goes on to say, quote, "Some of the DOD or Fed components may be  
14 better suited going direct with MPD, USPP and USCP" -- that being Metropolitan Police  
15 Department, U.S. Park Police, and U.S. Capitol Police -- "especially since our repackaging  
16 and passing along their info could put us in a tough spot."

17 My question is just, what did you take that to mean, "better suited"?

18 A So "better suited" is an -- again, this is for official use only, right, law  
19 enforcement sensitive type stuff. 

20   
21  
22  
23

24 So while we share that law enforcement information between each other, it puts  
25 us in a very difficult spot when the FBI is the one sharing the information that Park Police

1 has specifically asked us not to. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Again, as we go on, in light of this event, you'll see in our SITREPs that we do  
12 ultimately start talking about that, because it's very important for everybody to have that  
13 global picture. But we often wish that someone, instead of coming to us, would go to  
14 the source that would have that information.

15 Q Okay. And so, the part of the quote that says some of, you know, DOD or  
16 Federal components may be better suited, do they not have those same concerns, law  
17 enforcement sensitivity concerns, or why would it be better -- why would they be better  
18 suited?

19 A It's their information.

20 Q Okay.

21 A So I'm resharing information that they have asked me not to share.

22 Q Okay. You talked a little bit about how in the leadup to January 6th, you  
23 said that you still shared that information. There was -- you know, you prefer it to come  
24 from the direct source, but you still did it. Can you talk to me about whether  
25 there -- that reluctance, maybe -- you know, or -- or preference that it come from the

1 direct source, whether any of that affected things you might have shared leading up to  
2 January 6th?

3 A No.

4 Q Okay.

5 A No. And I'm sure -- I have seen some of the exhibits that you're going to  
6 give -- you're going to present today. In there we talk about where we disseminate our  
7 SITREPs to, and that was one of the reason -- our situational reports. We tried to keep  
8 them inside on what we call a red system, a classified system, where all 56 -- I think  
9 it's -- I'm going to double-check -- yeah, 53 agencies are on our Joint Terrorism Task Force  
10 at the Washington Field Offices. So all 53 representatives and our internal components  
11 can see those SITREPs. But it's part of that, it's one of the reasons we try to control  
12 some of that dissemination.

13 So all of our partners are getting it, all of our Federal partners are getting it, our  
14 State and our local partners are getting it, Department of Justice is getting it. But we're  
15 trying to prevent -- we're trying to at least control some of the dissemination so if that if it  
16 leaks into the media, which we had previously seen in the summer of 2020, like our  
17 SITREPs were straight up published, it could compromise, again, a source, put another  
18 agency in an issue -- a spot that we don't want to put them in.

19 Q Any questions on this issue?

20 Are there any restrictions -- I'm sure there are, so I'm asking it  
21 open-ended -- Federal or local that guide your collection of intelligence like other  
22 agencies within the intelligence community, so any sort of First Amendment concerns?

23 A Oh, yeah. I'm sorry.

24 Q Yeah, that's what I meant. Are there any things that like stop you from -- or  
25 considerations that you have that keep you from completely being able to --

1           A    We --

2           Q    -- look into certain things?

3           A    People's First Amendment rights, obviously, are protected. We cannot  
4 troll -- can just troll the internet looking for things that's out there. We have to have a  
5 reason, so that's where I kind of briefly touched on. We had an assessment, it's the  
6 Type 3 assessment. Our domestic investigative operation guidelines of section L allows  
7 us to open a Type 3 -- I know, it's not very exciting, but our Type 3 investigation that will  
8 prohibit us from looking at anything that's First Amendment, but we can look for acts of  
9 violence that we think would come into play against a First Amendment-protected  
10 activity. So we are very limited in what we can do. We can only do that first level  
11 open-source, what's available kind of to everybody look.

12          Q    Okay. And when you say, you know, you can do the first level of looking,  
13 does that mean -- and you used the phrase you weren't aware of any actionable  
14 intelligence obstructing the Capitol. Is that next level what you mean in terms of taking  
15 action you can see, but then the action part is what stops you if it's pure speech, or what  
16 is the next step other than doing the preliminary open-source looking?

17          A    So that would be a Type 1, 2 assessment, and those are where we  
18 have -- where it's sort of like an onion, and we start peeling it one layer at a time, right.  
19 So the first is we're looking across that open source that we can do under that Type 3  
20 authority, so we're just looking.

21                If something comes in that is more actionable, we enter those type of things into  
22 our Guardian system, and then we can open a Type 1 or Type 2 that's going to give us a  
23 little more authority. Again, it's another layer of the onion that we can do.

24                We can go and interview a complainant, we can -- we can't necessarily task a CHS  
25 to go into a closed forum, but if they're already in that forum, they can provide passive



1 information to us that -- and it opens up more database checks that we can do.

2 Q So but short of action, so seeking a warrant, interviewing a human being,  
3 knocking on a door, that sort of thing, are there any restrictions on using what you found  
4 in open source to put together a threat picture, to put together a joint bulletin, to put  
5 together a warning for your partners surrounding a certain event? Is there anything  
6 that stops you there, even if it's purely First Amendment speech?

7 A So, no. That would be what we would be disseminating up to January 6th  
8 is the atmospherics of what we are seeing from our open-source information and SOMEX,  
9 social media exploitation. That's what we're sharing in all those partner meetings,  
10 briefings, that type of thing.

11 Q And if you could just speak a little louder for our, I guess, people on the  
12 Webex.

13 A Sorry.

14 Q I'm told we're both maybe being a little too soft-spoken.

15 So is it fair to say, then, those sort of First Amendment concerns, those sort of  
16 restrictions really deal with cases, opening up cases, acting, like I said, in terms of  
17 warrants, knocking on doors, interviewing, and less so on creating threat pictures,  
18 assessments, that sort of thing?

19 A Again, we can search open-source social media, not for First  
20 Amendment-protected activity, but if there's violence that's going to be directed at that  
21 First Amendment type activity to get that atmospherics, correct, and that is the type of  
22 briefings that we were providing leading up to January 6th.

23 Q You've talked about your partners. Can you just tell us, you know, who do  
24 you generally share your intelligence with?

25 A So we have 53 partners on our Joint Terrorism Task Force at the Washington

1 Field Office, so that's Metro Police Department, United States Park Police, United States  
2 Capitol Police, the Supreme Court Police, the Metro Airport Authority, Department of  
3 Defense entities that are on it, Department of Homeland Security entities that are on it,  
4 United States Secret Service. Ultimately, we have partners in Virginia, like Fairfax  
5 County Police Department, Arlington Police Department, on and on, the list will go to 54.

6 Q Okay. And are -- are those the same folks you receive intelligence from as  
7 well?

8 A They are.

9 Q What about your relationship with DHS I&A?

10 A In what regards?

11 Q Do you guys share intelligence or do you share with them? Do they give  
12 back to you? Do you have a relationship in that capacity?

13 A They are not part of our Joint Terrorism Task Force collaboratively. Let me  
14 talk to my counsel for a minute.

15 [Discussion off the record.]

16 Ms. Moore. Sorry. I was confused by that question. So we have Department  
17 of Homeland Security assets that are within our task force. So those Department of  
18 Homeland Security assets are responsible for sharing that information back to their  
19 colleagues and counterparts within their agencies. I mean, we're not precluded, but  
20 they're not that first avenue because they've assigned people to our task force. Does  
21 that make sense?

22 BY MR. [REDACTED]

23 Q Sure.

24 A Sorry.

25 Q No, of course. And I'll get into a little bit more also about fusion centers,

1 but what about the fusion centers around the country? Do you guys have a relationship  
2 with them?

3 A We do.

4 Q Do you share intelligence --

5 A We do.

6 Q -- and also receive intelligence from them?

7 A Correct. We have imbedded bodies at the fusion center in Virginia and the  
8 consortium in Washington, D.C.

9 Q How much of a role would you say they played in terms of the intelligence  
10 you received in the leadup to January 6th?

11 A If they had intelligence that they shared with us, we would've brought that  
12 in and been consumers of it and married it up with the intelligence that we had.

13 Q Are you aware of information that was sent to the Washington Field Office  
14 by [REDACTED]

15 [REDACTED]

16 A I am.

17 Q Okay. So -- and so I kind of want to get the idea of when tips or  
18 information even from outside sources, externally, when they come to your branch, does  
19 it make it past your desk or how -- what makes it up to you?

20 A Oh, absolutely --

21 Q Okay.

22 A -- that came right to my desk. And I think you have that in your exhibits, so  
23 we can talk about that. When that comes into us, for that, because it was coming from  
24 some closed forums I actually -- I'll seek legal advice and opinions, because I definitely  
25 don't know everything legally, and that's when we have legal advisers, to make sure that I

1 can take that intelligence in and how I can exactly consume that.

2 We can absolutely take in that type of information. It becomes very difficult to  
3 validate it if it's from a closed source. And we have to be very careful, even as we  
4 consume any information from whatever source that is, because a lot of times, people  
5 have their own political agenda, they want to show only a fraction of something.

6 It's not unusual for us to get, like, from social media a clip of a thread but not the  
7 entire thread, because this little clip will -- you know, taken out of context sounds much  
8 more inflammatory. So we do take it in. We assess it. We run it down. We have to  
9 verify every single thing that's sent to us, so no matter who sends it to me, I still have to  
10 turn around and verify that I see that for myself.

11 Q And in terms of verifying, you know, testing its validity, is that the step that's  
12 required in order for you to push it out, or is that even a step required for it to be put into  
13 the system whatsoever? What is that?

14 A So we have different means for dissemination. It's an endless number.  
15 It's about 160 different intel-type products that we can produce. Some are strictly for  
16 internal or some is external, so it kind of depends upon where you're getting -- like if  
17 we're sharing that information out. But are you asking me specifically to the  
18 information she provided? Let me have you ask me that again.

19 Q Yeah, sure. I guess what I'm trying to get at is, what are you validating it  
20 for in order to push it out? In order to put it into your system? In order -- what is the  
21 goal of -- what will happen to it if you can't validate it versus once you do validate it?

22 A Everything goes into our system.

23 Q Okay.

24 A So there's no not going into our system. So we can always go into our data  
25 lake, for lack of a better word, it's always searchable, retrievable. If there's something in

1       there that hits on key words that when we're looking at something else and it makes a  
2       bigger picture, it's absolutely in our data lake, without a doubt.

3               But we may not be able to positively verify that the information is complete that's  
4       been given to us. So we may not see actionable again, and that is we're not able to do  
5       specific investigative techniques further on the information provided other than allow it  
6       to build an atmospheric position -- a picture, not position.

7               Q     Can you give us just a little bit of like a rundown of the differences between,  
8       you know, Guardian, eGuardian, SENTINEL, that sort of --

9               A     Sure. So let's start first -- well, let me see. How do I want to build this?  
10      SENTINEL. SENTINEL is our official record system. That's where all the cases,  
11      everything resides. But also, your Guardians and stuff reside in there, but I'm going to  
12      build you that. Like, so SENTINEL is our mothership. That's where it all happens.  
13      That's the big boy.

14              So we come in and Guardian is two terminologies. It's a system, and it's a term,  
15      if that makes sense. So like we call it the Guardian system, so it's a different database,  
16      and then we say, Oh, that's a Guardian. So it's kind of weird, and really a Guardian is  
17      just an assessment or a pre-assessment, but they just misuse that term regularly. I don't  
18      know. We like the word "Guardian" apparently.

19              And so the Guardian is a database, and that's where we can take in tips. They  
20      can come from other law enforcement agencies, and that's called an e-tip or eGuardian,  
21      and they can put in a tip. It will come into our system and go to our National Crisis  
22      Operations Center, NCOS, out in West Virginia, and they're going to assess it and then  
23      send it back out to the right field office.

24              Again, a generic person from the public can call in a tip to our (800) number.  
25      That's going to be triaged out in, again, West Virginia at our NCOS. They're going to put

1 it, the tip, into the Guardian system and then push it out accordingly to the area of  
2 responsibility that they think it comes to.

3 We can take in walk-ins that walk into any of our 56 field offices, our 300 sub  
4 offices, or 76 international offices even. If they come in and they give us a tip, it'll -- our  
5 agents can go in, open the Guardian system, and put the Guardian in and it will push  
6 through the system where it's supposed to go as well.

7 Ultimately, that system feeds into our SENTINEL system, the big ship, is that we  
8 just work it -- it makes it easier for us to break out that raw information that we're  
9 handling in the Guardian system. Does that kind of give you a picture?

10 Q Yes, it does. Thank you.

11 A Okay.

12 Q And I think you --

13 A Because I can go deeper.

14 Q That's good. That's surface level. That helps.

15 And I think you mentioned that the -- there's no -- so then there's no standard  
16 that -- for uploading. Every single tip is uploaded to the Guardian?

17 A Everything is taken into a Guardian, correct. They're put into the Guardian  
18 systems, correct. There are things that can be a poison pen, spaceships, stuff like that  
19 that's not going to make it to a Type 1 or a Type 2 assessment, but they're still in there  
20 that can be searched.

21 Q And who's making that determination as to whether it will go to a Type 1 or  
22 Type 2 assessment? Who are those people?

23 A Special agents.

24 Q Okay.

25 Mr. [REDACTED] Can I follow up before you keep going, [REDACTED]?

1           Mr. [REDACTED] Yes, please.

2           BY MR. [REDACTED]

3           Q     I'm just trying to understand, Ms. Moore, the First Amendment restrictions  
4     and whether they apply similarly to things that agents of the Bureau are affirmatively  
5     gathering themselves by social media monitoring versus stuff that is submitted from  
6     other sources. I understand there are restrictions that the FBI is only going to, when  
7     there's a Type 3, review open source.

8           But if [REDACTED] is not an FBI agent and she's in a chat room or in a place that  
9     is not open source, and then sends something to you, do you apply the same First  
10    Amendment analysis to that information, or given that it's not coming from the Bureau,  
11    do you ingest that without restriction?

12          A     We refer -- we would ingest it, but we would also confer with our legal to  
13    make sure it's something that we could take in legally, like we're just making sure that  
14    we're not -- that she hasn't been inappropriately tasked by somebody without authority  
15    or anything of that nature. But, yeah, we're going to take it in.

16          Q     Yeah, I guess that's what I'm trying to understand is what -- what that review  
17    looks like. I completely understand that the FBI has these restrictions about its own  
18    affirmative extraction of information from online sources. But you have confidential  
19    human sources, and you have people that are directing information from all different  
20    sources who are not governed by those same First Amendment restrictions.

21          And I'm just trying to get a sense as to what level of review that information,  
22    coming not from FBI agents, but from tipsters, confidential human sources, experts like  
23    [REDACTED] what kind of review is that information subjected to? Is it the same First  
24    Amendment analysis or is it somehow different?

25          [Discussion off the record.]

1           Ms. Moore. It is the same process in the sense that it comes in, it gets put into  
2 the Guardian system, and analysts will do our initial triage of it or an agent can grab it and  
3 triage it as well. We're going to do certain database checks.

4           We're going to try to verify -- like, so for every -- let's put hers to the side. Every  
5 screen grab somebody sent us during the leadup to January 6th, we have to verify that  
6 screen grab, where it came from, can we search it backwards, can we find out who the  
7 poster was, do we have the ability to do that. So giving us a screen grab of something  
8 salacious, we've still got to run that down just the same as anything else.

9           BY MR. [REDACTED]

10          Q     But how do you run that down if you have these First Amendment  
11 restrictions that prevent you from going into the forum in which that --

12          A     And sometimes we cannot.

13          Q     So hypothetically, Mr. X sends you a screen shot of something that's in a  
14 private room or a chat room or an encrypted channel that an FBI herself could not go  
15 into, you -- how do you then verify that or how -- what -- how do you determine whether  
16 or not that screen grab is legitimate if you have the inability to follow the track all the way  
17 into that private forum?

18          A     And therein lies the crux of what we do and the difficulty. So we would  
19 have to have legal authority to get into that forum. If we don't, we try to verify it with  
20 anything else that we have within our holdings, but sometimes we're unable to action it  
21 because we don't have authority to go into that private chat room.

22          Q     Can that screen grab itself become the predicate to give you authority to go  
23 into the chat room? In other words --

24          A     If it's strong enough, and that's a high legal level -- I can't feel like, I can't  
25 think, it sounds like -- it has to be very specific information that will rise to a level that we



1 can obtain legal authority. And you've got to remember, to go into a private chat room  
2 is basically an undercover authority to us.

3 Q Right, exactly.

4 A So it is no small hurdle that we've got to get across.

5 Q So hypothetically, if the screen grab says here's someone who is expressing a  
6 specific intent to storm the Capitol --

7 A Correct.

8 Q -- that, in and of itself, could be sufficiently specific actionable to itself,  
9 justify FBI entry into that chat room? Is that process possible, the tip itself provides the  
10 cause for you to go into a level deeper and monitor that channel?

11 A It would have to be an amazingly detailed tip with such specificity that it  
12 would give us that legal authority. It has to -- our -- we are charged, as you know, with  
13 the least intrusive method possible to absolutely honor people's First Amendment rights  
14 for free speech, right. And so that's that whole onion-peeling-back thing that keeps us  
15 directly in our legal lane.

16 So it would have to be with such specificity and such planning and such detail that  
17 we would be able to open a case, immediately seek authority for an undercover, have  
18 enough probable cause for that undercover off of one tip would be tough.

19 Q Okay. The other example, let's say that that tip isn't sufficiently specific, or  
20 credible, for it to result in FBI further action, what happens to it? It gets, you said,  
21 logged into your system somehow.

22 A Absolutely.

23 Q Does it get disseminated to partners?

24 A It absolutely can. Even if we end up putting something in for informational  
25 purposes only, it absolutely is shared, and you'll see that. Like in our SITREPs, we're

1 listing Guardians out that were for informational purposes only, because maybe  
2 somebody else has got something better than I've got, and maybe they can take what I  
3 have and add something to it and come back to me on it and be like, Hey, I got this. I  
4 didn't think it was important, but then I saw what you have.

5 Q So everything that comes in from any source, whether it's a confidential  
6 human source, a [REDACTED] expert, wherever, it all goes in, it's all logged, it all goes in  
7 and then potentially gets disseminated to all the partners, the 53 partners?

8 A If it's related to a specific event --

9 Q Sure, yeah.

10 A -- it could, yes.

11 Q And the only way the FBI would take further investigative action is if either  
12 some independent corroboration occurred or the tip itself was sufficiently serious,  
13 credible, that it provided predicate for further investigation?

14 A Yes, sir.

15 Q That's a general summary?

16 A Yes, sir.

17 Q Okay. All right. I'm sorry to interrupt.

18 Ms. Greer. Can I say one thing?

19 Mr. [REDACTED] Yeah.

20 [Discussion off the record.]

21 Ms. Moore. Well, and I think what my counsel's suggesting is that anything takes  
22 legal authority. Legal authority takes time. So a lot of this stuff that was coming in  
23 you're talking about very intimately close to the date of January 6th to run some of that  
24 stuff down, which we were doing as hard and as fast as we absolutely could.

25 But also remember, if it's like a Parler, an overseas nexus, even if we serve legal

1 authority, we're not getting anything back. They're not going to provide it. And even  
2 as we go through, we have to go through our -- you know, our layers and our steps that  
3 we may ask for subscriber information, and the subscriber may come back to us as "JoJo  
4 the Clown." It may not give us anything that we can go further on.

5 BY MR. [REDACTED]

6 Q Yeah, no, I totally understand that. And I'm sorry to keep interrupting you,  
7 but -- so the decision about whether or not there's -- it is sufficiently specific, credible, is  
8 that a decision made by legal? Is that a decision made by the intelligence special agent  
9 in charge? Like who -- who makes that decision? Who's involved in the --

10 A Everybody. It can be everybody depending upon the information that's  
11 received, depending from where it comes. You're definitely -- you know, we're  
12 always -- legal is going to weigh in on what we're doing without a doubt. We have  
13 specific legal advisers assigned to each of our specific branches that specifically specialize  
14 in those areas that report under a general counsel for our field office as well.

15 Q Yeah. And that takes time, I would think?

16 A It does, but like in this instance, I mean, we're running hard. We are  
17 fully -- I mean -- and I want to take you back, too. This is COVID, and we have everyone  
18 in. We're not working remotely. We're not signing in. I mean, we have people in the  
19 offices work -- working, spread out as much as we can, but we're in there doing this.  
20 There was no calling it in from the field.

21 Mr. [REDACTED] Okay. [REDACTED], I apologize.

22 BY MR. [REDACTED]

23 Q No worries.

24 We've been talking a little bit hypothetically, and in terms of what was sent to you  
25 guys by [REDACTED], did you find that that was a lot of running it down but having

1 trouble verifying it, if you recall?

2 A We were going to require some legal -- a lot of that was from closed forums,  
3 if I remember exactly. I'd have to look at the exact post. I've looked at a lot of things  
4 in the last several days. Again, but I do know that that was from closed forums that we  
5 did not have access to.

6 Q Okay. And so do you know if a lot of those got pushed out to the  
7 partners -- or your partners or because of the lack of sort of being able to verify and  
8 validate it, it did not?

9 A No, again, we would share stuff even if we couldn't. We shared  
10 information. I can't tell you exactly how her information was shared. I don't believe  
11 we were the only recipients of her information either.

12 BY MR. [REDACTED]

13 Q So I'm getting the sense that the [REDACTED] tip is an example.  
14 Everything is going to get disseminated. But the only way the Bureau is going to do  
15 something, is going to actually take an investigative step, is if it meets some sort of legal  
16 review threshold of corroboration. Is that accurate?

17 A No, no, no, no. So it has to have something actionable in it. So really,  
18 that's the point. It has to have an actionable level that is not based off of a First  
19 Amendment activity or someone's national origin, race, ethnicity, or anything of that  
20 nature, so no protected element. But if it has something that we can action, we will,  
21 even if it comes in as a general tip.

22 So let me go back to the Guardian system, right. We're going to go back and  
23 we're going to play in that pool some more. So it comes in and it's considered a  
24 pre-assessment, so everything that gets put into the Guardian is entered into a  
25 pre-assessment. All of those pieces have baseline checks that have to be done and

1       that's numerous checks.

2               It's like we're going to run it against our own holdings, we're going to run it against  
3       DIVS, we're going to run it against whatever is appropriate in that instance to run it  
4       against, and it's a lot.   And there's certain -- certain database checks that we just  
5       absolutely require.   So like if it's the social media, we're going to run it against a tool  
6       that we have, right, to see if we can get any other monikers or anything else attached to it  
7       to start building actionable things that we can take action on.   Sometimes,  
8       unfortunately, we can't.

9               If it is something and it rises -- like, all right, yeah, we've now got subscriber  
10      information, we can take that, we're opening it now as a Type 1, Type 2 assessment.  
11      With that comes more authorities, right.   So now I can serve legal process, again, only  
12      for very specific subscriber information, not details of phone calls or anything of that  
13      nature.   I can go out and do more interviews.   I can do -- like in a pre-assessment I can't  
14      go interview the subject.   I can interview the complainant.   I can interview witnesses,  
15      but I can't interview the subject.

16              In a Type 1, Type 2 assessment, that's where I can start interviewing more people.  
17      It gets a second layer.   I've got more authorities.   I've got more databases that I can  
18      check that type of stuff.

19              Q     Yeah.

20              A     Does that help a little?

1 [11:05 a.m.]

2 Mr. [REDACTED] I think this will make more sense when we get into the actual  
3 information itself. We're just trying to get a sense hypothetically, generally how it all  
4 works. I appreciate it.

5 BY MR. [REDACTED]

6 Q So sticking with the Guardian system, who has access to it? Who can see  
7 what's inside?

8 A All FBI employees and task force officers that have a need to know. So,  
9 like, maybe like an FBI employee that's an gardener isn't going to have access to the  
10 Guardian system, right? But you're talking about operational entities, intelligence  
11 entities in our task force offices.

12 Q Okay. So that includes different branches in the FBI?

13 A Yeah.

14 Q And as well, of course, as headquarter versus --

15 A Correct.

16 Q -- not just the -- and maybe a field office even in California?

17 A Oh, yeah. Every -- yes, every field office. And our Guardians aren't just  
18 limited to national security, so they can be criminal, cyber, national security,  
19 counterintelligence, any type of things that come under Guardian.

20 Q And you talked about that sort of first level pre-assessment an agent is doing  
21 so that it's looking at individual tips that are coming in. Is there anyone tasked with  
22 viewing the information for patterns and trends looking across?

23 A That's what our analytical cadre is doing.

24 Q Okay.

25 A So we have analysts assigned to each squad. And in the event of January

1       6th, we had a very specific analytical team that was charged even going -- so that's why  
2       we created that tag, cert unrest, right? So that tag, anything that comes in from any of  
3       our field offices that advertised across the country and to NCOS to, like, hey, if it looks like  
4       it's related to the certification of the vote, tag it cert unrest, and that way it would flag it  
5       to us and we could come over here and search it really easily.

6               But in that same instance, just in case we had somebody that missed that memo,  
7       we had other analysts that were going through the system and do key word searches  
8       looking for anything else that might tag to January 6th, in case we missed it. So we were  
9       doing it both ways to try to cover all ends.

10              Q     And I know you mentioned in your statement that December 27, 2020, was  
11       the sort of first day for the cert unrest tag. Is that right? That's when it was created?

12              A     Yes.

13              Q     Okay. When did the review of that tag begin?

14              A     Well, that day.

15              Q     Okay.

16              A     As soon as somebody would tag into it, yeah, we're reviewing it. Like, we  
17       were ongoing. So this wasn't -- we had been looking at -- let's back up. Right? So  
18       we're already in posture for an NSSE, so we've come in out of a command post for the  
19       actual election vote. There had been two large rallies already, MAGA 1, MAGA 2. So  
20       we already had a little command post up for them. We'd already been searching for  
21       intelligence related to them. And we're always searching because we're in an NSSE  
22       posture for the inauguration.

23              So we're meeting regular with our partners, like once a week. We have  
24       subcommittees that are meeting once a week. We have briefs and phone calls that are  
25       happening every day regardless, just as part of the NSSE. And as you're talking about

1 the NSSE, because it's happening in Washington, D.C., what else are you seeing? What  
2 else are you seeing in the leadup to it? And so we're by proxy also immediately talking  
3 about January 6th and the certification of the vote.

4 So in the Guardian system we don't start tagging it until that date. But we are  
5 already looking in the system for anything leading up to the inauguration, anything  
6 leading up to the certification.

7 Q So how many, I don't know, agents or analysts are assigned to the effort of  
8 reviewing the tag as things come in?

9 A I don't have that specific number and the days leading up to it, but it would  
10 be -- we have multiple squads that were reviewing that. So the analytical  
11 components -- and we changed that, right? So as the atmospherics change, as things  
12 developed, as things became -- the rhetoric became more, we put more and more  
13 resources on it. So I can't give you an exact number or an exact day.

14 Q And are they briefing you?

15 A Absolutely.

16 Q And how often are they briefing you as to --

17 A They're sending me emails, so I am getting any -- I think somewhere in the  
18 exhibits I have my SSIA who's giving me a rollup. And so what we would do, because we  
19 have done this since the summer, is, like, hey, if anything in our AOR, area of  
20 responsibility, is changing, we are going to brief that all the way up, like, right? Like,  
21 it's -- your action a lot of times is taken at your squad levels and you're always advising  
22 your uppers. But when it becomes like really much more rhetoric on social media, that  
23 type of thing, we are putting it into like daily wrap-ups, and they're sending them up to  
24 me, and then I'm pushing them on up to my assistant director in charge and across to my  
25 colleague SACs.



1           Q    Okay. I'm going to get into now the leadup to January 6th. And you  
2 mentioned the first two MAGA marches, I would like to start with those two, November  
3 14th and December 12th of 2020.

4           What was the threat landscape, if any, leading up to those events that you can  
5 remember?

6           A    So as everyone knows, the country was a little bit on edge. There was a lot  
7 of rhetoric, people were posting "stop the steal" and Make America Great Again. And  
8 then you had your counterprotesters that were also posting things. And so we're just  
9 monitoring those atmospherics.

10           As we had seen in MAGA 1 and MAGA 2, we had set up what we consider a  
11 command post light, like, we had not comparatively to what we did for January 6th, but  
12 we had people in the office throughout the whole weekend and the days and weeks  
13 leading up to those, again, searching the media. Do we have a specific threat to this  
14 event? What does this look like? What are we seeing? What are the plans for this?  
15 Not trying to stop anybody's First Amendment rights by any stretch, but was there  
16 violence that was going to follow on. The country was in a very heated state. We  
17 were all aware of that.

18           Q    Sure. You mentioned, of course, the protesters and counterprotesters. Is  
19 that what the intelligence was telling you, that the violence, if there were going to be any,  
20 would be skirmishes between the protesters and counterprotesters?

21           A    That was what we were seeing in the media. And that's what we had  
22 previously seen leading up to that was that it would be protester-on-protester violence.

23           Q    Do you recall if you detected or part of the threat landscape was anti-law  
24 enforcement sentiment? And this is just for those first two MAGA marches.

25           A    Again, I think we provided those to you. We provided, throughout the

1 course of the year, a dozen different intel products that we released to our partners,  
2 Federal, State, and local, specifically related to the increase in domestic violent extremism  
3 and violence on law enforcement officers. So yes.

4 Q And, I guess, how would you characterize whether the intelligence was  
5 accurate, whether it was predicted, whether that was what was seen in MAGA 1 and  
6 MAGA 2, largely skirmishes between protesters and counterprotesters?

7 A That is what we had seen in MAGA 1 and MAGA 2. We had arrests. We  
8 had, I believe, a stabbing. We had multiple guns seized during those marches by Metro  
9 Police Department, which isn't unusual. They seize guns in the city all the time. But  
10 that was traditionally what we had seen at that point.

11 Q What about violence towards law enforcement, was that something that  
12 was seen in the first two?

13 A We had seen that, you know, following back to the summer. So then we  
14 had published that in the days leading up as well to be aware of that. And again, to set  
15 that stage as you're leading up to MAGA 1, MAGA 2, which then leads into January 6th,  
16 there was so much rhetoric on the internet, you're beginning to look for a needle in a  
17 stack of needles. There was so much rhetoric out there. So we're trying to filter  
18 through what is legitimate, what can we action, what can we do. So we were constantly  
19 running this.

20 Q You mentioned the summer. Is the anti-law enforcement sentiment from  
21 the same groups, different groups? Are we talking about the social justice protests and  
22 their anti-law enforcement sentiment or, you know, obviously the ones who are, the  
23 "stop the steal" protesters? What do you mean that sort of you had already been on  
24 alert about anti-law enforcement sentiment, and does it matter which group is sort of --

25 A It doesn't matter. It's apples to oranges when you're trying to compare the

1 two different groups. But there was just a large anti-law enforcement. There was a lot  
2 of hostility just in general being -- a lot of it was like what we call sometimes keyboard  
3 bravado. Like, I'm sitting behind my keyboard, and I hate everybody, I'm going to, you  
4 know, kill police, but there's nothing, you know, oh, we should kill police, without very  
5 much specificity to it, just general verbose statements, and we're working our way  
6 through those.

7 Q Sure. Because we've heard from certain law enforcement groups that it  
8 was surprising to see anti-law enforcement sentiment from the group in particular that is  
9 protesting the election that are on the "stop the steal" marches, because their ideology is  
10 more traditionally seen as pro-law enforcement, and there's a little bit of a false sense of  
11 security that the target wouldn't be law enforcement.

12 It sounds to me that that is not something that either was a view within your  
13 branch or that you yourself held or was surprised by to see that law enforcement  
14 sentiment -- anti-law enforcement sentiment in the leadup to the marches and to January  
15 6th.

16 A Traditionally in the country we have not seen people who dislike the police,  
17 but we haven't seen them necessarily always attack. We had seen a lot of growing  
18 sentiment and, for lack of a better word, at some degree a disrespect, right, for law  
19 enforcement in different entities. And I think with the election, there was a lot of  
20 rhetoric out there about who you can trust or who you couldn't trust to some degree,  
21 right? Like, everybody was taking a side, and everyone felt that everyone was on a side  
22 or another. There was no neutral party into it.

23 Again, we had published an intelligence product prior to that about that domestic  
24 violence extremism and threats to law enforcement were increasing.

25 Mr. [REDACTED] Anything on this?

1

BY MR. [REDACTED]

2

Q When did your branch, your division first realize that January 6th would be a

3

date of importance unlike in other election cycles where the election certification

4

attracted little, if any, attention?

5

A Okay. So I don't want to keep saying the same thing over and over.

6

We're monitoring it, because everything in the city at that time was hot, for lack of a

7

better word, right? Every march was getting a different kind of attention that it had not

8

seen previously. And it was this specific day was getting a lot of media attention and a

9

lot of social media retweets and tweets about coming to see this event on the Ellipse.

10

Q But do you recall -- it wasn't immediately after the election, right?

11

A No.

12

Q It was the election wasn't called until a week later. And then it took some

13

time for anyone to raise a spectrum of January 6th meaning anything.

14

A But, remember, we're doing MAGA 1 and MAGA 2. Right? After the

15

election we're doing MAGA 1. And then right into December we're doing MAGA 2. So

16

we're still searching our atmospherics through those two events.

17

Q Okay. Well, so let me divide, then, the calendar at December 19th.

18

A Okay.

19

Q There's a tweet from President Trump, the "be there, be wild." So let's talk

20

about before that tweet.

21

Do you have, before that tweet, already an idea that January 6th is going to be an

22

important event unlike in past years or not before -- before the tweet, let's say, if you

23

recall?

24

A I think we were more aware of it because there was so much disagreement

25

after the election and the actual vote was certified, right? So that makes it different

1       than previous years. After the President said, "be there, be wild," obviously, he has a  
2       tremendous amount of followers, and that increased that social media retweeting of that.  
3       And then we began to see people -- we saw increase in hotel reservations and  
4       reservations for buses.

5               Q     So it sounds to me that certainly in terms volume, there's an increase after  
6       the December 19th tweet. Is that correct?

7               A     That would be fair.

8               Q     Was there an increase in the severity of rhetoric, in violent rhetoric that you  
9       noted?

10              A     I don't think I can specifically specify to tying that to that exact date. There  
11       was violent rhetoric out there for a while.

12              Q     Okay.

13              A     But I will definitely say all rhetoric, again, increased as we got closer to  
14       January 6th.

15              Q     Okay.

16              A     On both sides.

17              Q     So the head of the D.C. Fusion Center told us they saw a tenfold increase in  
18       online violent chatter, particularly following the December 19th tweet. It sounds as  
19       though that's not the experience in your division necessarily. Was that something at  
20       least you had heard about from your partners or told about?

21              A     We were all talking together and sharing information of what we were  
22       seeing, that now in lieu of the inauguration, January 6th was building to be a much bigger  
23       event. I can't -- where the D.C. Fusion Center is saying tenfold, I can't tell you if it was  
24       fivefold or tenfold for us. I can tell you there was an increase. I can tell you we were  
25       taking it seriously. We were absolutely sharing with our partners, and we were talking

1 to them all the time about what everyone was seeing. And everyone was saying the  
2 same thing.

3 And, again, remember, we're meeting multiple times a week as we prepare for the  
4 NSSE. So everybody's talking about, hey, what are you seeing for the NSSE. Hey, I got  
5 this January 6th event coming up. For us in the FBI, we had already decided that  
6 my -- within my division, as it got closer to January 6th, that we were going to stand up  
7 our own intelligence command post if nothing else so that we could make sure like we  
8 had done for MAGA 1 and MAGA 2. The rhetoric did increase. Of course, anyone who  
9 has that many followers, people are going to retweet.

10 Q And I think exhibit 18 has there from December 30th, 2020, and a round up  
11 the notes say, quote, There is anticipation for large numbers as the January 6th -- for the  
12 January 6th event, especially as POTUS has discussed and promoted it.

13 So when did you decide to stand up something at WFO for January 6th?

14 A So we talked about January 6th being uniquely positioned in the national  
15 capital region. So we have very -- it's a very, very, very large division. And so we have  
16 a lot of special events, different things that we will run probably 100 command post a  
17 year because of events. So we can run a command post for July 4th, for New Year's Eve.  
18 We can run a command post if we have a multiple subject takedown on an arrest that  
19 could go violent.

20 So because we're so large, that's what we do. We run -- like -- and we're going  
21 to err on the side of standing a command post from my branch. That's how I always did  
22 it, because we're intelligence. It's up to us to consume, develop, and share intelligence.  
23 So people are looking to us. Our partners -- again, we have the 53 on our task force that  
24 we all are sharing information. And so we're going to be there. But it would have  
25 been after the tweet. Yes, for sure.

1           Q    And we talked a little bit about how the President's tweet certainly increased  
2   the number of people who would be attending and the hotel stays, all of that, that that's  
3   a natural sort of causal link.

4           Were you cognizant of the tension between the President and the Vice President  
5   leading up to January 6th?   Was that something through open sources that you were  
6   either paying attention to or knew about, the sort of targets of January 6th in terms of  
7   the pressure campaign and the sort of -- the pressure that the President was applying to  
8   the Vice President, was that something on your mind?

9           A    I was aware that there was information in the media and in social media  
10   about this, yes.

11          Q    And did any of that concern you in terms of potential danger to the Vice  
12   President himself and potentially him being a target of any of the demonstrations or the  
13   anger of demonstrators as we approached January 6th?

14          A    Anything that the FBI would have gotten to holdings (ph) regarding a threat  
15   to life, we would immediately share appropriately with the responsible party.   So in this  
16   case, Secret Service would have been -- shared any of that information that we would  
17   have received.

18          Q    Okay.   But you don't recall anything specific that was -- on that that was  
19   shared?

20          A    I do not.

21          Q    Actually, a little bit of a tangent because we're on exhibit 18.   As part of the  
22   permit highlights it notes that, quote, sounded like all six of these permits -- these are the  
23   permits near the Capitol Building for demonstrations -- were connected to one individual  
24   who was associated with "stop the steal," likely in an effort to skirt the maximum limit of  
25   people allowed in groups.

1           Was that something you were cognizant of heading into January 6th, and was it a  
2       concern at all that, first, you know, "stop the steal" has a little bit of a violent history,  
3       reputation, and, two, that sort of deception in trying to skirt the maximum limit by  
4       breaking up into individual groups, if you were aware of it at the time?

5           A     So we were obviously aware of it because it's our reporting that you have  
6       here. So, yes, I was aware of it. Had I seen this before? I can't say that I had  
7       necessarily seen that before. I can tell you what we also saw was that we thought these  
8       events were going to happen on different dates. And then all of a sudden the different  
9       dates all came to the same date. So like maybe one was going to be on the 5th and one  
10      was going to be on the 6th or maybe one was going to be on the 3rd and one was going  
11      to be on the 5th, and then all of a sudden all the permits moved to the 6th.

12           Ms. [REDACTED] I have a question.

13           Mr. [REDACTED] Go ahead.

14           BY MS. [REDACTED]

15           Q     I just wanted to go back to kind of the increase in the volume of what you  
16       were seeing after that December 19th tweet and you're aware of it. My question is,  
17       what was the plan when you're seeing this volume increase, in the sense of are you  
18       looking at it, your team looking at it, with the same eye towards is this a First Amendment  
19       speech, can we open up a case about this? Or is there a point during that period of  
20       time, the latter part of December of -- because there's a volume of it, even if there's no  
21       case to be opened up, what kind of a bigger picture of what might occur on January 6th?

22           A     That's what we do for every situation that we have. So January 6th, again,  
23       grew exponentially. We've kind of discussed that already, and we're seeing more and  
24       more and more. But we're always looking at it for that whole parameter. It doesn't  
25       change what we do. Our process remains the same. We evaluate the information as it



1 comes in. We try to verify it. If we can take action on it, we do, and we share the  
2 information with our partners to develop a threat fixture in our area of responsibility.

3 Q Right. So the process that you described, it sounds like, is for each threat  
4 that you see, meaning independent of each other. But is there a process in place that's  
5 viewing it as a whole?

6 A Yes. Again, that's where they're going through, and our -- we tag it so we  
7 can see everything that's tagged to that event, so we can see, as it grows, what's out  
8 there, what we're specifically looking at. I have that analytical component that's doing  
9 our social media exploitation. They're going through what they're seeing on social  
10 media. They're trying to see if we can verify it.

11 But that's developing that threat picture. And that threat picture is what we're  
12 talking about every week, multiple times a week, as we were meeting with our partners  
13 regarding not only the inauguration, but anything else that's leading up to it. Thus,  
14 January 6th becomes the topic of conversation because it's the next [inaudible] event  
15 that we have on our radar.

16 And remember, we also ran a command post for New Year's Eve, so New Year's  
17 Eve was in there. So we constantly are looking for that landscape all along, and we're  
18 always briefing what that threat picture is and looking at the totality of it.

19 Q So it -- I'm sorry. It sounds like what you're saying is this is constant work  
20 that you're doing, right, within your position at WFO, from everything that's getting  
21 pushed to you, as part of that hashtag that you mentioned, right, the cert unrest hashtag?

22 A In that for -- that in relation to January 6th, but we do it all the time in any  
23 event.

24 Q Sure. We were told during a briefing with the Bureau folks that until this  
25 SIOC was set up on the 5th of January, no one was looking at all those hashtags in its

1       totality. And it sounds like you're saying something different, so I just want to  
2       understand.

3               [Discussion off the record.]

4               Ms. Moore. I'm not sure who provided you the previous briefing.

5               BY MS. [REDACTED]

6               Q     Steve Jensen.

7               A     Okay. So Steve works in our headquarters component. The Washington  
8       Field Office area of responsibility falls under me for intelligence. I can assure you we  
9       were looking at the hashtags and we were putting it all together. So I'm not sure  
10      that -- I know Steve. Steve's an amazingly and incredibly capable young man, but for  
11      him to brief he may have overstepped his lane on his brief. That would not be accurate.

12              Q     So can you explain why he would have that perception from the unit that  
13      he's covering in the headquarters?

14              A     It may be his unit at headquarters, but for Washington Field Office, that's  
15      our responsibility. That's our bread and butter. That's what I do every day. I cannot  
16      speak for what Steve testified to or why he would have said that, but I can tell you what  
17      the Washington Field Office was doing and that's what I am explaining.

18              We -- it does not correlate to what Steve said. We were absolute -- there would  
19      have been no other reason for us to put that hashtag on it and to search. And so that  
20      was absolutely what we were doing in the days -- that's what my whole team does.  
21      That's our existence is to check this stuff out and to develop that picture.

22              Maybe Steve -- and I should not anticipate this -- was testifying more at the  
23      national level or something. I can't speak to the national level, so we'd have to have,  
24      like, him --

25              Q     So I guess that's maybe the confusion, right, because you're only focused on

1 your area of responsibility. Aren't the hashtags -- it's our understanding that 56 field  
2 offices on December 27th get this directive from headquarters.

3 A Correct.

4 Q Anything related to January 6th -- I'm summarizing -- put this hashtag in.

5 So that is uploaded to the Guardian system. So isn't that seen by your office --

6 A Correct.

7 Q -- as well as whatever you and Steve Jensen --

8 A Yeah. I think Steve may have just spoken outside the lane on that. But

9 I'm telling you that's not how this was.

10 Q But my question is, are you seeing everything nationally?

11 A Yes.

12 Q Okay.

13 A I am. I can see into everybody else's pot, for lack of a better word.

14 Q Right.

15 A I go in there and the system allows me, one, to set predictive searches where  
16 I can say, anything with January 6th, tag it and ping me. And then with the cert unrest,  
17 anything that gets tagged this, put it in my mailbox. Anything that has, you know, "stop  
18 the steal," you know, certification violence, whatever it is, and I can search that  
19 throughout that entire Guardian system. And we were doing that.

20 So we were not even just dependent upon the hashtag; we were searching that  
21 Guardian database for anything that may slip through a hashtag. So we absolutely were  
22 looking at that on a national level.

23 Ms. Greer. But you can't speak for what headquarters --

24 Ms. Moore. Correct.

25 Ms. Greer. -- DTOS, the Domestic Terrorism Operations Section, would have

1       been doing and whether they were searching --

2               Ms. Moore.   Correct.   Yeah, I didn't --

3               The Reporter.   Excuse me.   You have to go one at a time, please.

4               Ms. [REDACTED]   So Steve Jensen oversees DTOS, right, the Domestic Terrorism  
5       Operations Correction?

6               Ms. Greer.   Section.

7               Ms. [REDACTED]   Operations Section.

8               So if I'm hearing you correctly, his unit may have only started putting this together  
9       on January 5th, but you as the SAC over intelligence had been doing this, essentially what  
10      you're saying, on a daily basis, it's a growing threat picture?

11              Ms. Moore.   Around the clock, correct.

12              Ms. [REDACTED]   Okay.

13              Ms. Moore.   But, again, we were in regular communication with DTOS.   So,  
14      again, somebody had to put out the notice to do a hashtag.   We're going to get to it, so  
15      we're going to talk about CHS as canvassing travelers.   I'm sure we'll discuss all of that  
16      today, right.   So all of that we were coordinating through DTOS, so we were all talking as  
17      well.

18              Ms. [REDACTED]   Okay.

19              Mr. [REDACTED]   So just to close the loop on the December 19th tweet and the D.C.  
20      Fusion Center, that you told us about the uptick after -- the head of the D.C. Fusion  
21      Center briefed his boss, who briefed the Mayor, who ultimately decided to request the  
22      National Guard because of that intelligence, that increase that they were seeing in the  
23      leadup to January 6th.

24              And what I want to ask you about is, The Washington Post has reported about the  
25      purportedly low regard that the FBI held for fusion centers, derogatorily calling them

1 confusion centers, for example. And that the D.C. Fusion Center in particular, given its  
2 proximity to lead Federal intelligence agencies, was seen this light.

3 So I'm just wondering if you had any insight for us in your view, did you  
4 encount -- is that a view that you've encountered within the FBI of fusion centers? And  
5 if so, how prevalent would you characterize it?

6 Ms. Moore. I'm going to seek counsel advice here in a second. But we had  
7 entities stationed inside our fusion centers. So clearly we have a place of value. I  
8 wouldn't put a resource of mine embedded on a daily basis inside of an area that I didn't  
9 consider to have some value or bring value to the table or that I wanted to share  
10 information with.

11 [Discussion off the record.]

12 Ms. Moore. And so to go back to your statement early on where  
13 the fusion -- see, you're talking about the consortium in D.C. --

14 BY MR. [REDACTED]

15 Q Right. National Threat Intelligence Consortium.

16 A Consortium. They don't use the term fusion centers. I wanted to make  
17 sure, because we do have a fusion center in Virginia as well that we use.

18 So I wasn't aware that NTIC had set up information and that the D.C. Mayor had  
19 requested National Guard prior to January -- that was not -- like, I didn't have that  
20 information, but we absolutely had resources stationed inside of NTIC.

21 Q Right. You did know about the -- in the materials, you did know about the  
22 Mayor's office request for the National Guard on December 31st in anticipation of  
23 January 6th, right?

24 A I actually don't think I --

25 Q Okay. No worries.

1           A    I may be confused who requested the National Guard, so I apologize. I may  
2 just be confusing that in my head.

3           [Discussion off the record.]

4           Ms. Moore. So the Mayor of D.C. -- that's where I'm confused, that's why I'm  
5 slightly confused. I apologize --

6           BY MR. [REDACTED]

7           Q    Sure. No worries.

8           A    -- is the Mayor did send a letter to the Department of Justice asking for none  
9 of our resources, that they had this covered.

10          Q    Okay.

11          A    So I guess that's where I'm getting confused.

12          Q    Okay. No worries. But a letter was sent to the Department of Defense  
13 and the National Guard requesting National Guard assistance ahead of both January 5th  
14 and January 6th. But that's a little bit beside the point.

15                It sounds, though -- just my final question is, given the embed situation with NTIC,  
16 you feel pretty confident that any intelligence that you pushed out would have been  
17 given to them and that any intelligence they had you would have seen or would have  
18 come to WFO. Is that correct?

19          A    If they were sharing their intelligence, that's the means that we share  
20 intelligence through, correct.

21          Q    Okay. So I want to go through some specific things, intelligence  
22 information. So let's start with exhibit 10. And it says there --

23          Ms. Greer. Is this a good time to take a quick break maybe?

24          Mr. [REDACTED] Sure.

25          Mr. [REDACTED] Let's go off the record.

1 [Recess.]

2 BY [REDACTED]:

3 Q So we're back on the record.

4 I wanted to point you toward exhibit 10, and this is IOC intelligence. On the  
5 morning of January 6th, it notes that, quote, Online actors have become active on Parler  
6 and TheDonald.win, enabling online actors to pose violent and threatening language.

7 In particular, I wanted to point you towards TheDonald.win. When did you  
8 become aware of that site and the forum and what messages were being exchanged on  
9 there?

10 A Long before January 6th.

11 Q Okay.

12 A So it says "a previously unknown," that's a typo. It's a previously known  
13 website. Oh, you probably didn't even see that. Did I just point something out to you?  
14 Gosh. Only the question asked.

15 We knew. I can't tell you the exact date, but it was well in advance of January  
16 6th. So specifically on this, it's a typo.

17 Q And so what did you -- let's talk in particular about intelligence concerning  
18 the tunnel system at the Capitol complex. So that was stuff that was shared on  
19 TheDonald.win. Do you recall that particular piece of intelligence?

20 A I do recall a particular -- I do recall a piece of intelligence about the tunnels.

21 Q What did WFO, what did your branch do with that?

22 A We would have shared that with our partners. I would -- I don't -- I  
23 remember it because we've talked about it and obviously the tunnels became very  
24 important. But we would have shared that with our partners. Our partners, the  
25 Capitol Police, were very aware of their tunnel system and the issues surrounding any of

1       that. But again, it was shared with our partners.

2               Q     And when you say shared, does that mean in phone calls, in which ways?

3               A     In multiple ways. So we talked about several times, right, we're having  
4       multiple meetings a week. And I tried to get my team to count down the number in  
5       meetings and -- we didn't -- like, they're all happening, we're having calls or calling  
6       partners or reaching out, we're touching base. We try to be very careful about circular  
7       reporting, because on Tuesday we might have a subcommittee meeting for the NSSE,  
8       which is the 19th, and then on Thursday, we have our regular partner call as well. And  
9       then somebody will repeat something that we briefed on Tuesday on Thursday, and you  
10      have to be really careful because it's the exact same thing that I just briefed on Tuesday,  
11      they're actually just rebriefing my information and it's not corroboration of something.

12              So you try to make sure we're not just circularly reporting all the exact same  
13      things. But we would have briefed in that capacity. We would have talked about it  
14      and shared it amongst our team.

15              Q     Outside of disseminating it, what would you have liked to have done with it  
16      if there was more that you could do with it? What -- so I'm asking about, again, First  
17      Amendment concerns. This is -- the intelligence is basically, right, an uptick in the  
18      viewing of sites describing those tunnels, which is obviously protected speech. You can  
19      go on a website as much as you like, right? And the posting of those maps, things like  
20      that.

21              Did you have any sort of -- was there any restriction on further action you could  
22      have taken on intelligence like that given the world that you're in in the FBI?

23              A     So -- and I'd like to see that post again right now, but it is the -- or that piece  
24      of intelligence. That was, again, an increase in the tunnels. So we would brief, hey,  
25      our social media exploitation is seeing an increased talk of the tunnels around the Capitol.



1 Are you seeing specific threats to the tunnels? No.

2 So without that specificity, like, just talking about, like, hey, did you know there's a  
3 tunnel system under the Capitol. Hey, the tunnel is going on the east, the west, the  
4 north and south side. I can't action that. What I can do is share it.

5 And so that's what we would do, is we would share, hey, we are seeing an  
6 uptick -- since you used our word -- in postings about the tunnels, but -- and we would  
7 say, this is what we've seen. But without it being very specific violence towards the  
8 tunnels, we can't take action or do that next step where we open it as a Type 1, Type 2  
9 and go out and try to interview that poster.

10 Q What about products? What can we do in terms of -- or what can FBI with  
11 WFO do in terms of creating a product surrounding a piece of intelligence like that?

12 A So again, remember that's like a needle in a needle -- right -- stack, is they're  
13 not saying anything that's not First Amendment protected activity. So talking about the  
14 tunnels, there's nothing illegal about it. What I can say is we're seeing an uptick in the  
15 discussion of the tunnels.

16 Q And so tell me about what types of products are there --

17 A That wouldn't be a product.

18 Q Okay. So would it be --

19 A It wouldn't really rise --

20 The Reporter. One at a time, please.

21 Mr. [REDACTED] Sorry.

22 We've got to talk one at a time.

23 Ms. Moore. Oh, I'm sorry. I apologize. We said we were going to do that in  
24 the beginning too.

25 It would have to have other corroborating information or, again, raw intelligence

1     that we thought in that moment our partners might not know and we need to publish it  
2     as a -- and we could do that, depending upon how we received it, maybe through an IIR  
3     or something of that nature. But in this situation where you're just having people talk  
4     about tunnels, we're going to share that in our intelligence briefings with our partners,  
5     but it's not necessarily product.

6                     BY MR. [REDACTED]

7             Q     For the record, can you explain to us, you know, spell out for us IIR and  
8     maybe SIR? And tell us what one would be, what would qualify to put it on an IIR or an  
9     SIR?

10            A     It's an intelligence information report; that's raw, uncorroborated  
11     intelligence that might serve to inform, but it has a lot of caveats with it. I think you  
12     have some examples of them. They're heavily caveated that that has not been vetted  
13     out.

14            Q     Okay.

15            A     And so, again, talking about the tunnel system in a generic isn't really IIR.  
16     People talk about the tunnel system in D.C. all the time.

17            Q     What about a situational information report?

18            A     So those are disseminable to local law enforcement as well.

19            Q     Okay. What are the differences between an intelligence information report  
20     and a situational information report?

21            A     A situational information report may still also -- may -- also be raw  
22     intelligence, but it's raw intelligence that we want to get in a more professionalized  
23     product to partners --

24            Q     Okay.

25            A     -- through different dissemination.

1 Q Do IIRs get disseminated as well to your law enforcement partners or no?

2 A They don't.

3 Q Got it.

4 A Usually.

5 Q Correct.

6 A But remember, IIRs can be disseminated through our Joint Terrorism Task  
7 Force with individuals that have clearance or might have the need to know or that access.  
8 So it's not that they're never seen by a partner; it's just we don't publicly disseminate IIRs  
9 because, again, they're raw intelligence, super raw.

10 Q Is it accurate that the only SIR surrounding the events of January 6th that  
11 was put out was the Norfolk, Virginia, January 5th SIR? Is that accurate, as far as you  
12 know?

13 A I thought there was a second. I thought one of your exhibits had a second  
14 one.

15 [Discussion off the record.]

16 Ms. Moore. Oh, I do believe that is correct.

17 BY MR. [REDACTED]

18 Q Okay. And so your branch in particular did not put out an SIR --

19 A No.

20 Q -- dealing with January 6th?

21 A We did not.

22 Q Why not?

23 A At that time, we did not have specific actual intelligence that we felt needed  
24 that to be disseminated in that manner. So you can disseminate information in different  
25 manners. An SIR is one way. So that was published by our Norfolk Field Office. They

1 wanted to share it out, and that was the avenue that they chose to share it. When you  
2 are doing that, we have to be very careful about not disseminating something that's just  
3 strictly First Amendment protected speech. And so, again, as we talk about the tunnels,  
4 that was First Amendment speech that weren't specific threats or actionable intelligence  
5 off of that.

6

BY MS. [REDACTED]

7

Q Can I just follow up on that, on the threat?

8

So I understand you're saying that people talk about all the tunnels all the time.

9 But in that context -- and we can probably bring up this particular tunnel posting -- there  
10 was some level of specificity to it in the sense of it was related to a specific date, right,  
11 January 6th. It was also related to the volume, the uptick of hits on the tunnel, right,  
12 related to the bigger picture of what was going on in the days preceding January 6th.

13

So it's -- I want you to reconcile how it's tunnels -- being talked about tunnels  
14 without this backdrop. I can understand what you're saying that it's not specific and  
15 actionable. But how do you take what you see about the tunnels in the context of  
16 everything else that's going on?

17

A So let's find that. Can we look at it?

18

Q We can -- yes. I'm sure I can find it.

19

A It helps me talk through it. I've got a lot of stuff in my head. Sorry.

20

Q Sure.

21

A As general when they were looking for that, I don't know who has it or  
22 where it is.

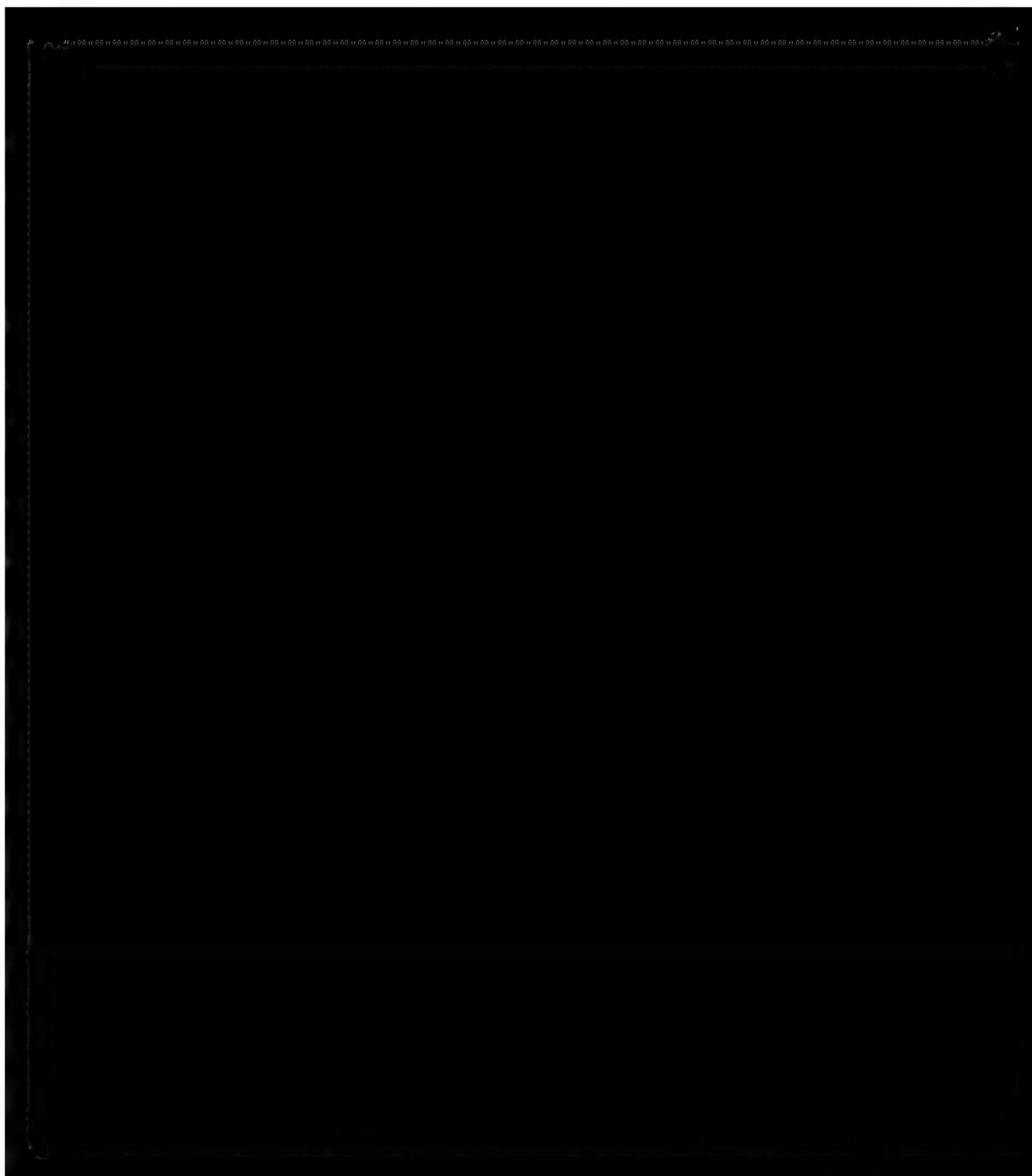
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But again, First Amendment protected speech is just that. [REDACTED]

24

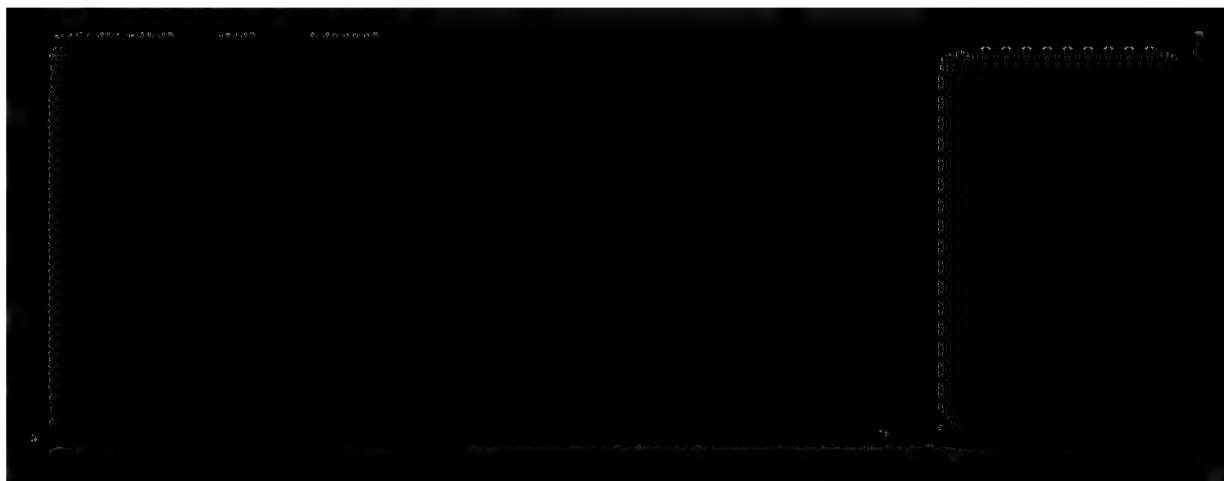
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21           A     We would review this in the context of things.   For me personally, as the  
22     special agent in charge of the Washington Field Office, right, we start talking about  
23     tunnels, and I'm like, I thought we -- make sure everybody knows this.   Jen, the Capitol's  
24     already got this exact same information that we have.   Our partners have the same  
25     information.   We're going to -- we'll call it, we'll talk about it on a partner call right now.

1           We get on a partner call, and the partners are like, yep, everybody's aware there's  
2   an uptick around the tunnels. The Capitol Police is on the partner call. They're not  
3   expecting any additional concerns, other than saying they're seeing this to. They've got  
4   it. And that's what I can do.



12           Q    Okay. I think we're going to go through more, but it'll be the same  
13   question at the end, so --

14           BY MR. [REDACTED]

15           Q    Can you maybe explain to us the benefits of an SIR over just pushing it out,  
16   information only, you know, calls, so on and so forth? What does an SIR do? Does it  
17   call more attention to it? Does it lend it more credibility? How is it that --

18           A    Uh-huh. It can -- again, it just opens up. It's just the Bureau's way of  
19   externally sharing with local partners that may not have a clearance.

20           Q    All right. So let's say that there was more specific -- in your  
21   mind -- specificity in that piece of intelligence. In your mind, you would not see  
22   necessarily a benefit in an SIR being produced for it or that it would have either reached  
23   more people or have been more effective. You see it as --

24           A    So, again, the SIR is going to go -- it can be that sometimes we would  
25   disseminate it within our local partners, right? But I'm already talking about this on

1 active phone calls with my partners, all the same people that would get an SIR. It would  
2 be the exact same people that would see an SIR. An SIR doesn't publish overnight. So  
3 it's much quicker at this point for me to share this information.

4 As you saw in our SITREPs, you saw how we were pushing it out. It's quicker that  
5 way. And so that was our choice of dissemination.

6 Q And so then it seems to me that you would agree that there is no added  
7 benefit to --

8 A For us in that moment, no, sir.

9 Q Let's talk about the one SIR that was put out by Norfolk. It's right that  
10 there was a QRF sort of contingency outside of Virginia. Your office did not put that out  
11 as an SIR, right? The Norfolk office put it out as one?

12 A Yes, that's correct.

13 There was two in Norfolk.

14 Ms. Greer. There were.

15 Ms. Moore. I don't -- I wouldn't have it.

16 Mr. [REDACTED] It's just the SIR, not the IIR. But it was, you know, it had been  
17 widely reported late into January 5th, it's the only one that was put out.

18 [Discussion off the record.]

19 BY MR. [REDACTED]

20 Q You mentioned that, you know, that's the way that they decided to put it  
21 out. I guess I'm wondering is it -- you know, is it because that's, you know, in Virginia  
22 that that's sort of their -- it's in their bailiwick how to put it out, or could that have been  
23 something that your office could have put out as an SIR? And if so, why didn't you?

24 A Again, we were -- so Norfolk is not in our area of responsibility. So for  
25 them to share something with our area of responsibility, they have several different ways

1 of doing that, right? They chose in this instance to produce an SIR because they felt that  
2 it would facilitate getting the information out to our partners or that it will allow us,  
3 should Dallas -- Dallas -- should Washington Field Office choose to push it to our partners,  
4 we can do that. And so they pushed it to us.

5 We, in turn, turned around and briefed it to all of our partners and shared it with  
6 our 53 people on our joint task force to where -- we have a dissemination mechanism and  
7 we disseminated it to all of them. And we briefed it at both our command posts.

8 Q This is after it was pushed out or before?

9 A Simultaneously. I may not have understand your question. I'm sorry.

10 Q So then when you did that, it would have been January 5th, because that's --

11 A Yes.

12 Q Okay.

13 A It came in to us and we turned around immediately within, I think, an hour --

14 Q Okay.

15 A -- and briefed it to all of our partners and pushed it out amongst our  
16 dissemination portal on the JTTF. So the 53 partners would have gotten it from us.  
17 But it's the exact same way that we push out a SITREP.

18 So our SITREP, you know, gets briefed in the command post to all of our partners  
19 and is shared through our dissemination portal, so -- or our dissemination emails. So  
20 the same people, it's just a different means. And maybe they chose an SIR -- I can't  
21 speak to why they chose an SIR.

22 Q But when, if at all, did you become aware of talk of occupying Federal  
23 buildings in the leadup to January 6th, if at all, if you recall seeing intelligence about that?

24 A I don't recall seeing intelligence leading up to January 6th specifically talking  
25 about occupying Federal buildings.



1 Q Okay. What about storming the Capitol? Again, earlier you had said you  
2 hadn't seen any actionable intelligence regarding storming the Capitol. Do you recall  
3 seeing talk about storming the Capitol or any sort of intelligence --

4 A Rhetoric. There was some rhetoric out there that we should, you know,  
5 storm the Capitol, but it wasn't like, let's go storm the Capitol, we are going to storm the  
6 Capitol. It's, you know, we should take over the White House, we should -- there were a  
7 lot -- there was so much rhetoric out there. So was there some rhetoric to that? Yes.  
8 Were we sharing that? Yes.

9 Q I was going to ask, what did you do with it and --

10 A We would share.

11 Q Okay. And I think I know your answer, why didn't it lend itself to a product  
12 being created?

13 A It has to not just be First Amendment speech. It has to be actionable in  
14 something that I'm not just taking people's First Amendment rhetoric and recaptioning it  
15 into a product. And atmospherically, we were briefing that every day with our partners.  
16 We were talking constantly with them.

17 And simultaneously, the FBI was not the only individuals searching social media.  
18 Our partners have social media exploitation teams as well. So we're all -- again, like I  
19 talked about, reporting is the things that our teams are seeing within social media, the  
20 things that our teams are getting from CHSs, anything that we have on a case may be.  
21 But everyone is still sharing what they're seeing. So we're not the only ones seeing the  
22 rhetoric.

23 Q Okay.

24 BY MR. [REDACTED]

25 Q I'm sorry. This goes back to what we were talking about before. I guess

1 I'm confused now.

2 I thought you said, Ms. Moore, that the First Amendment applies to what the  
3 Bureau can do sort of in an actionable way, but it doesn't apply in any way to what you  
4 disseminate. In other words, you get stuff all the time and there is no First Amendment  
5 filter legally on the Bureau's ability to disseminate that. Am I incorrect in that  
6 assumption?

7 A We can't just collect for the sake of collecting. And so what we're  
8 collecting, again, is under that Type 3 authority. And it has to be something in addition  
9 to a First Amendment right that ties to an act of violence against that First Amendment,  
10 like protected activity. So if there's going to be a march, we don't just generally, you  
11 know, say, hey, there's a march on Thursday and we're going to collect everything we  
12 can. We're looking specifically for violence targeting that.

13 And so we're talking about the rhetoric that we're seeing with our partners.  
14 We're putting it in SITREP just, again, to say, hey, this is what we're continuously seeing,  
15 this is what we still have out there.

16 Q Yeah. I'm just trying to understand the difference between collection and  
17 dissemination. I get that you can't collect stuff from certain sources if it's First  
18 Amendment protected activity. Once it comes in the door, though, from any source, I  
19 don't believe, or correct me, there is no further First Amendment review. You can  
20 disseminate anything once its in your system from any source --

21 A But I --

22 Q -- if it seems relevant to an ongoing discussion of an event?

23 A Okay. Any information that we get in, we have to be, especially if it's from  
24 a third party, what is their motivation for sharing it with us. We're going to look at all  
25 those key aspects. But I also don't want to just throw everything I get out randomly

1 because, again, everybody's already searching in this big needle stack and you don't want  
2 to create extra noise to what everyone's searching. So you want it to have some  
3 viability --

4 Q Sure.

5 A -- or claim to a bigger picture, thus the sharing of the tunnel information,  
6 that type of thing.

7 Q That's a totally different calculus than whether it violates the First  
8 Amendment. Of course, professional law enforcement organizations shift and evaluate  
9 the credibility of information and decide which of that information meets the standard of  
10 relevance and is -- that's not a First Amendment issue. That's a practical assessment of  
11 the potential value of the information.

12 My question is precisely, does the First Amendment, the restriction -- legal  
13 restrictions of the First Amendment affect your calculus about disseminating information  
14 once it comes into your systems?

15 [Discussion off the record.]

16 Ms. Moore. So I'm not the attorney representing the Bureau in this matter.

17 BY MR. [REDACTED]

18 Q I understand.

19 A And so --

20 Q I'm looking for your practical assessment of that.

21 A But what legally is all of that is still assessed, is still assessed by our  
22 attorneys. I would have to defer that to a legal person to help us discuss what we would  
23 disseminate and what we wouldn't. But again, practicality, we're going to assess  
24 everything that comes in before we push it out.

25 Q So legal's involved in reviewing dissemination decisions, not just

1 collection decisions?

2 A Absolutely.

3 Q And again, maybe you don't know the answer to this, but not just relevance,  
4 credibility, but First Amendment concerns impact that dissemination decision?

5 A Absolutely.

6 Q Okay.

7 A But again, I would need -- you would want to lead the person.

8 Q Understood.

9 BY MR. [REDACTED]

10 Q So we were talking a little bit about specific pieces of intelligence and what  
11 to do about them. So let's -- I think at this point I'm going to go through the Guardians  
12 in a moment, but I kind of want to zoom out to written threat assessments.

13 So have you been made aware, as you sit here today, of the Capitol Police threat  
14 assessments by its intelligence division and the sort of famous paragraph where it  
15 mentions that, unlike the previous two MAGA marches of November and December, that  
16 the target was going to be Congress itself, not the counterprotesters? Are you, as you  
17 sit here today, familiar with that product?

18 A As I sit here today, I'm familiar with that product.

19 Q So I can assume your answer, it sounds like -- is it fair to say you had not  
20 seen it prior to January 6th?

21 A I had not seen that product prior to January 6th.

22 Q Okay.

23 A My team had not seen that product prior to January 6th.

24 Q Was that assessment, that particular line about the violence not being as a  
25 result of the skirmishes between protesters and the counterprotesters but targeting

1 Congress itself, is that consistent with what your branch was seeing or believed to be the  
2 threat picture leading into January 6th or not?

3 A No.

4 Q Okay. And I'm going to ask you what your sort of your top-line threat  
5 assessment would be, but maybe I should ask it this way. I know what theirs is, because  
6 they wrote it down. Wouldn't it have been helpful for the FBI headquarters or office,  
7 whomever, to have put out some sort of written threat assessment, some sort of either  
8 maybe a joint bulletin with other partners in the intelligence community, something that  
9 sort of all the review that your analysts were doing in terms of this tag, right, that could  
10 synthesize all that information and put out a threat picture for all of your partners,  
11 wouldn't that have been helpful prior to January 6th?

12 A We were doing that multiple times a week in briefs with all of our partners.

13 Q But what about a written product, wouldn't that have been helpful? It's  
14 written, you can go back to it, you can see it. It would have your sort of top line, you  
15 know, threat assessment as to what to expect on January 6th. Wouldn't that have been  
16 helpful?

17 A I think it was a choice we made at the time was that we valued our personal  
18 briefs. And we were doing that, again, multiple times a week, daily, on phone calls, on  
19 conference calls, in person, on SVTC talking about what everyone was seeing.

20 Q What --

21 A Hindsight, sure. But at that moment, we're trying to push information out  
22 as absolutely fast and as quick as I can and as accurately as possible and with the widest  
23 dissemination possible. So we were writing SITREPs in advance of January 5th. We  
24 were heading SVTCs and those things were being shared between our task force officers  
25 and our management.

1 Q And this exercise is one in looking in hindsight, right, because our --

2 A Sure, absolutely.

3 Q -- objective is to try to keep it from happening again. And so there --

4 A That is right.

5 Q There certainly are explanations and justifications for the actions that were  
6 taken. But I am asking also, in hindsight, what would have been better, what would  
7 have been -- you know, so we can make improvements in the future.

8 So do you think, ultimately, is it fair to say that you would agree that maybe a  
9 written product, a written threat assessment might have been on the margins, except  
10 even if marginally better, might have been beneficial -- a beneficial way of getting out a  
11 threat picture to your partners?

12 A I think it's definitely something that we have assessed, as we've talked  
13 about, right? The FBI wants to bat 1,000 every time we get up to the plate. And we  
14 never, ever, ever want to have a miss. Our partners don't ever, ever want to have a  
15 miss. And we want to collaborate and be the best at sharing information that we  
16 possibly can be.

17 So there are takeaways that we are going to take from January 6th. We  
18 learned -- I think you all already know this, right? Like, we depended heavily on our task  
19 force officers and our dissemination through our task force officers to feed information  
20 up through their chains. As different testimonies indicated, people at the highest level,  
21 it may have gotten briefed all the way to the assistant chief, but that assistant chief  
22 decided that the chief, it really wasn't relevant to him. And so now -- so now then we  
23 brief bottom up and top down.

24 So what we thought was happening we learned probably wasn't happening as well  
25 as it should. So now we're going to take it from both angles that we could. But would

1 have writing a threat assessment now, in hindsight, it could not have hurt.

2 Q And I think I can tell also from maybe your reaction to the not having seen  
3 the January 3rd assessment by Capitol Police, would it have been helpful to you to have  
4 seen that prior to January 6th?

5 A I would love to have seen a product from my colleagues, sure.

6 Q And what do you think -- what would you have done if you had received a  
7 threat assessment that said that -- that had in stark terms, you know, the target was  
8 Congress itself, that's where at least this analyst, the head of that intelligence division,  
9 and Capitol Police had come to that assessment, what could you have done with having  
10 known that prior to January 6th?

11 A So, again, we're now in the land of speculation, right, of what I would have  
12 done looking backwards. How do you see that? We would have analyzed it. We  
13 would have taken it and compared it to the threat picture that we were seeing. And  
14 then we would have discussed it with all of our partners to see if anybody else was also  
15 seeing this or where this product was providing different information than everybody had  
16 in one, and what was their validity to that.

17 Q And on this question, I just have a process question, if you could go to  
18 exhibit 10.

19 Ms. Moore. Excuse me.

20 Mr. [REDACTED] Okay.

21 [Discussion off the record.]

22 BY MR. [REDACTED]

23 Q Okay. I'm going to ask you about how -- what the Capitol Police  
24 intelligence assessment, how that was either consistent or inconsistent -- I believe you  
25 said inconsistent -- with what the threat picture was within your branch leading up to

1       January 6th.

2               First, I want to ask you, on exhibit 10, it says there, quote, The information  
3       contained in this communication is not to be incorporated into any formal or informal  
4       written document without the authorization of a special agent in charge, Washington  
5       Field Office.

6               So I just wanted to make clear, if this is true, it would have been -- it could have  
7       been your call whether to put out a written threat assessment, is that right, at your level?



1 [12:15 p.m.]

2 Ms. Moore. Sure. But I want to emphasize something, that had we gotten that  
3 document that Capitol Police has published now, for the FBI, we still wouldn't have,  
4 ourselves, sent resources to the Capitol to protect it. Does that make sense?

5 BY MR. [REDACTED]

6 Q Yeah.

7 A Okay.

8 Q You said that that was not the top-line sort of threat picture heading to  
9 January 6th that was on your mind and the mind of your branch. So what was? What  
10 was the top-line --

11 A We were --

12 Q -- assessment?

13 A We were looking at the rhetoric and what we were seeing, and it was still  
14 largely group against group. So it was, you know, different groups pontificating hate  
15 rhetoric to other groups.

16 Q Did you notice any uptick in threats to Members of Congress or intelligence  
17 talking about the roots of Democratic Congress Members for January 6th, how they got to  
18 the -- to their offices, any of that?

19 A We had some threats to Members of Congress, and we shared that with  
20 Capitol Police. Those were sent over. I think we had, perhaps at one point, I think we  
21 even mention in one of our SITREPs, like 10 Guardians that went over to Capitol Police  
22 specifically related. As far as the root portion, I'm not -- I can't speak to that. I'm  
23 sorry.

24 Q Okay. What does account for the fact that your threat assessment, as  
25 you've articulated here today, is not in line with the one put out by Capitol Police on

1 January 3rd, given that you were all seeing the same things? How was it that  
2 they -- how can you reconcile for that -- us -- reconcile that for us?

3 A So I can't. I can tell you that we were meeting with our partners, again,  
4 multiple times a week, daily towards the end, sometimes hourly if something came in.  
5 Not once was that part of the brief that they provided to us.

6 Q Okay. Go ahead.

7 BY MS [REDACTED]

8 Q I appreciate the meetings, but I think that the investigation that we've  
9 conducted shows that essentially every agency had the same data available to them,  
10 including the Capitol Police. And when they -- when the analysts wrote that assessment  
11 that Congress itself is a target, which you say would've been helpful at the time,  
12 what -- what is the difference in the analysis of what your -- the folks that you're  
13 overseeing did that wasn't able to piece it all together on January 3rd as the Capitol Police  
14 did?

15 A I would need to know what -- what specifically Capitol Police was utilizing to  
16 write that product.

17 Q That's fair. If I -- if in response to that, if I tell you that they had essentially  
18 the same information as the Bureau did and, in fact, likely less because of the information  
19 they were receiving from thousands of pages of document production that we have from  
20 the Capitol Police, a lot of it is from analysts from the Bureau giving it -- pushing it out to  
21 the Capitol Police.

22 So taking that aside, I guess, it's all level field if you all have the same information.  
23 Can you just react to what led to a product here and not a product within the Bureau?

24 Ms. Greer. Can we take a quick break?

25 Ms [REDACTED] Sure.

1 Mr. [REDACTED] We can go off the record.

2 [Discussion off the record.]

3 Ms. [REDACTED] Sorry. I know Tim has a question, but I wanted you to answer.

4 Mr. [REDACTED] Answer, yeah. Go ahead.

5 Ms. Moore. Do you want to give me the question again?

6 BY [REDACTED]

7 Q The question was, essentially, why did Capitol Police, why were they in a  
8 position to issue some sort of written product and the Bureau didn't?

9 A I think that wherever you sit is where your focus is going to be, right, to  
10 some extent. So Capitol Police's intelligence components is going to be really focused  
11 on the Capitol. We are charged -- I was focused on the protection of Federal buildings  
12 as well, right, is Hoover going to be safe, is headquarters for DOJ going to be safe, are  
13 those type of things -- we're looking at the city as a whole as well and providing that  
14 threat picture out. It was a decision we made.

15 So what it -- regardless, if I'd have had that document in advance, I would've loved  
16 to have it for a healthy conversation on what they felt was different than what we were  
17 all seeing. Unfortunately, that wasn't the case. I hope that Capitol Police would have  
18 used that to make the decisions as to how -- what they were going to do at the Capitol  
19 that day. That would've been ideal.

20 For us, even with that information, it wouldn't have changed what we were doing  
21 again. So in our leadup to January 6th and what -- the way we postured ourselves with  
22 doing our social media exploitation, doing our Guardian checks, running our Type 3,  
23 hitting our CHS's, going across the country trying to figure out, you know, what are our  
24 subjects seeing, are we hearing anything movement wise for them, prepositioning our  
25 SWAT teams, offering our resources in a reactionary force to our partners, all of that

1 would've remained the same. And our threat picture also -- again, remember,  
2 throughout that day, we had, you know, two pipe bombs, we had the event on the  
3 Ellipse. We were looking at a lot of things.

4 Q So just on one point, and I want to let [REDACTED] ask some questions, but your top  
5 line would've been different from the Capitol Police, right? If there was -- if someone  
6 said you have to write a threat assessment going into January 6th, what would that top  
7 line have been? Would there have been a focus on counter protesters?

8 A We would have built an intelligence product based off of what we were  
9 seeing at that time, and at that time, it would've been the uptick in rhetoric. We  
10 published the products on our domestic violent extremism, we published a product on  
11 the increase in violence towards law enforcement, so all of that would've been  
12 encapsulated in a product that we -- were produced into one if we were going to. So I  
13 can't tell you exactly what the top line would've been because it would've been long, but  
14 the product would've included all of that.

15 BY MR. [REDACTED]

16 Q But it would have also included that the violence -- that would've been  
17 expected would've been similar to the first two marches, MAGA I, MAGA II as skirmishes  
18 between the protesters and counter protesters? I do believe you said that.

19 A Because that was what we were seeing.

20 Q And my last question on that is just, you would agree with me though that  
21 the Capitol Police threat picture, the -- what I -- top line that I've read to you, that that  
22 was accurate, it was predictive; and that yours, what you've just stated right now,  
23 would've not been, is not -- was not predictive of what actually happened on January 6th.  
24 Is that fair?

25 [Discussion off the record.]

1           Ms. Moore. I mean, sorry, if you're asking me was my -- if I had produced this  
2 threat product prior to it, would it have said that I anticipated people were going to storm  
3 the Capitol? No. But it was -- would've been informative of the entire threat picture  
4 that we were seeing in the national capital region at that time from the intelligence that  
5 we had gathered.

6

BY MR. [REDACTED]

7           Q All right. So my question is, do you agree that it was -- the idea -- violence  
8 was not a result of skirmishes between protesters and counter protesters like MAGA I and  
9 MAGA II, but that Congress itself was a target, that that -- that, what I've just summed up  
10 as being the threat assessment from Capitol Police, that that was accurate, that was  
11 predictive of what actually happened on January 6th, right?

12           A Well, Congress was obviously -- there was a storming of the Capitol, so that's  
13 what their threat assessment says, so yes.

14           Q Perfect. I'm just asking for a yes or no. And then the idea of the -- that  
15 January 6th would be in line with the violence, skirmishes between protesters and  
16 counter protesters like in previous marches, that that is not predictive of what happened  
17 on January 6th, correct?

18           A Correct.

19           Q Okay. I want to ask about the sort of protesters and counter protesters.  
20 I'll point you, if I can, to exhibit 5. It says here in -- it's a briefing from MPD, but  
21 obviously seen -- it's notes from that briefing, January 4, 2021, is the email. And it says,  
22 quote, "antifa is reporting on social media that they will not let their city be taken by  
23 Trump supporters and conservatives; however, no plans have been identified," end  
24 quote.

25           And then I also want to point you to exhibit 6. One of the Guardians at the end,

1 number six, it says, MPD reported text tip from a Parler user, quote, Bring food and guns.  
2 If they don't listen to our words, they can feel our lead. Come armed. BLM, antifa is.  
3 Cops are," end quote.

4 A Wait, this is exhibit 6 or -- exhibit 6, which number?

5 Q Number 6 of the eleven WFO Guardians by this point on January 5th. Does  
6 your copy not have that?

7 A No, it doesn't. Yeah, no.

8 Q Okay. Apologies. It may be a printing error. Oh, yours has it?

9 A She's got just the stuff that you all had sent over.

10 Q Oh, perfect. It might be a little bit --

11 Ms. [REDACTED] She has it. Do you have it, Ms. Moore?

12 Ms. Moore. Yeah. She's got it for me.

13 BY MR. [REDACTED]

14 Q It's just the last, "come armed. BLM, antifa is, cops are."

15 A Okay.

16 Q Just -- so react to this statement. Tell me if you agree or disagree. Was  
17 the idea that there was going to be violence between protesters and counter protesters,  
18 was that from intelligence that you were seeing on the antifa, Black Lives Matter end?  
19 So was there -- they were talking about -- you have it here, no specific plans, right?  
20 Antifa has no specific plans. Or was it that that sort of violence was being predicted but  
21 based on what's, for lack of a better term, the other side was saying, right? It says come  
22 armed, BLM, antifa is.

23 I guess my question is, is there support for the idea that there was going to be  
24 skirmishes, and independent of what happened in MAGA I and MAGA II, that there were  
25 going to be skirmishes between protesters and counter protesters; or were you just

1 listening, overly representing what opposers, opposition to BLM and antifa were saying in  
2 order to rile up people to come to the Capitol and be ready for violence? Was there  
3 independent basis for the idea that antifa and Black Lives Matter were going to be getting  
4 into skirmishes with the crowd on January 6th?

5 A So at MAGA I and MAGA II, we had violence and protester on protester, so  
6 that, again, informs our threat picture. So we would use that along with the social  
7 media posts, CHS reporting, anything of that nature that we have to inform our threat  
8 picture.

9 Q Do you recall any social media of the kind that I'm talking about, again, from  
10 purported BLMers or antifa people saying the same sort of violent rhetoric that you're  
11 hearing from folks on the right? Because I get you're saying, okay, MAGA I, MAGA II,  
12 that feeds into it, all right. But putting that aside, was there anything else?

13 A Okay. So if we look back to the one on January 4th, where we talk about  
14 the antifa posting, antifa is reporting on social media that they will not let their city be  
15 taken by Trump supporters and conservatives. So then we go on to say, Hey, like,  
16 however, as we're looking through this, again, this is still rhetoric, we're not seeing  
17 specific plans. That's the same thing that we are saying even elsewhere where we're  
18 saying, Hey, this is the rhetoric that we're hearing, but we don't have specific actionable  
19 information that we can use.

20 So I think we're seeing it on both sides, and we're reporting it as we see it and  
21 hear it. And we're saying, again, like, Hey, there's no positive identified plans for how  
22 they're going to not let their city be taken or, Hey, this is where we see this. We're  
23 giving it to you, we're telling you where we see it, we're helping just like, Hey, this is what  
24 we're seeing.

25 Q Do you recall the mayor putting out a directive in the days leading up to

1 January 6th telling people in the city to stay in their homes and --

2 A I do.

3 Q -- not come out?

4 Okay. How did that affect -- how would that affect your threat -- bottom-line  
5 threat picture about protesters and counter protesters engaging in skirmishes, if at all?

6 A I don't necessarily -- I think that that is the Mayor, and we looked at it as the  
7 Mayor saying, Hey, citizens, we don't know what's happening in this AOR. We are  
8 anticipating a large crowd. We're anticipating possibly violence. Everybody that lives  
9 in Washington, D.C. is not either a MAGA I, MAGA II-type supporter, or antifa-type  
10 supporter. They're just regular citizens going about their day, and they're saying, like,  
11 Hey, stay home, stay out of the fray, because, again, this was the rhetoric that was widely  
12 out there.

13 Q Let's go through, if we can, the Guardians. So in exhibit 2 -- I hope you  
14 have all of these, and if not, hopefully counsel can share it with you.

15 A Exhibit 2?

16 Q Yes. And here we have 16 Guardians, right, as of 08:00 on January 3rd of  
17 2020.

18 A Okay. So I have a little Guardian summary statement, if y'all would like me  
19 to read that for you.

20 Q Sure.

21 A Why not?

22 Q That works.

23 A Okay. It says:

24 "I know you have a number of questions about the Guardians outlined in this  
25 email, and I'm happy to provide what information I can. As I mentioned in my opening



1 statement, in advance of January 6th, the Washington Field Office was assessing what  
2 intelligence we had as well as what intelligence other field offices and our Federal, State,  
3 and local partners had that related to our area of responsibility.

4 One of the ways that we did this was by looking at the Guardian database and  
5 compiling a snapshot in time of what, in our view, the current threat picture looked like.  
6 This is exactly what this email shows.

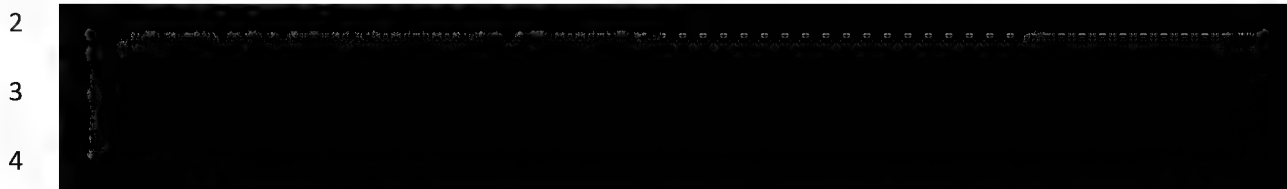
7 Specifically, in addition to the summaries of the information we received from our  
8 partners, this email shows a wrap-up of 16 Guardians that the Washington Field Office  
9 was tracking at this point in time on January the 3rd. This does not mean, however, that  
10 all of these Guardians were assigned to Washington Field Office, nor does it mean that  
11 these Guardians warranted further investigative activity.

12 Generally, when we receive information like that reflected in these 16 Guardians,  
13 the FBI's available investigative tools may include, for example, conducting public media,  
14 social media searches and conducting database searches within the FBI's own holdings;  
15 one, to determine whether there is a potential violation of Federal law and/or if they  
16 are -- number two, to identify the poster or potential subject.

17 If based on the information we have we're unable to identify the subject or if the  
18 activity is protected First Amendment activity, or lacks sufficient specificity, as was the  
19 case for many of the Guardians on this list, then a Guardian would be closed for  
20 information only. Just because a Guardian is closed, however, does not mean that we  
21 don't share the information with our partners. Indeed, this entire summary was shared  
22 with our partners.

23 Further, this information is factored into the larger, overall threat picture and  
24 informs how we are postured for an event like January 6th. Of these 16 Guardians,  
25 eight were assigned to the Washington Field Office, and the other half were assigned to

1 the other field offices across the country.



5 The remaining 14 Guardians were closed. Guardian number one and Guardian  
6 number three were transferred by the Washington Field Office to the field office in the  
7 location in which further investigative activity could've been conducted. They were  
8 both subsequently closed. For both, the subject was interviewed and no further action  
9 was required.

10 For number 4 and number 13 were converted to Guardian incidents and  
11 subsequently closed for information only on January 4.

12 Number 4 was passed to Washington Field Office partners.

13 Following review, number 13 was determined to not include a threat of violence  
14 but passed to partners for awareness.

15 Guardians number 6, number 11, and number 12, the subject poster, was not  
16 identified.

17 Guardian 7, Guardian 8, and Guardian 16 were closed because there were no  
18 threats made by the users identified.

19 Number 9 was passed to partners.

20 Number 10 database checks were performed and was determined not to be a  
21 threat.

22 Number 15, following a subject interview, it was closed on January the 22nd.

23 And number 14 was converted to a full-field investigation and has subsequently  
24 been closed."

25 Q Okay.

1 Ms. [REDACTED] Do you have an extra copy of that? That would be helpful.

2 Ms. Antell. I'm not sure that this is something that we're prepared to  
3 hand -- but, Megan, I defer to you.

4 Ms. [REDACTED] Just as we go through it.

5 Ms. Greer. She read it.

6 Ms. Antell. Okay.

7 Ms. Greer. I mean, she's got it.

8 Ms. Antell. That's fine.

9 Mr. [REDACTED] It's already on the record, so it's just a matter of us keeping track  
10 since it's somewhat new to us.

11 BY MR. [REDACTED]

12 Q While we're looking, what does it mean to track? So it says, WFO is  
13 tracking these 16. What does that mean?

14 A That means we're working them at this moment, in this picture in time, that  
15 was what was hot on the plate for Guardians.

16 Q And when you mean working, does that mean -- have these elevated to a  
17 point where you can take certain action? Is that --

18 A Again, working. The Guardian database is where all those tips come  
19 through and we start sorting them. So these are things that we need to take a little  
20 closer look at, so that's what I mean. So I can't tell you -- again, that's where we go  
21 through some of them are closed for information only, some of them got opened as a  
22 Type 2, some of them would lead to an investigation.

23 Q So exhibit Number 7 mentions that there are -- there were 43, is the full  
24 universe of Guardians, is that right, tagged to the January 6th event as of January 5,  
25 2021?

1           A    So now we're on January 5th, different day, correct. The Guardian is an  
2 evolution. It is -- it's a live animal. Like right now, more Guardians are being put in the  
3 system. We will close some, some will open, so numbers change.

4           Q    But is it fair to say that those -- are those 43 total universe or those are not  
5 ones that WFO is tracking, is that correct? Or was at the time tracking, I meant, not  
6 now.

7           A    Well, we were tracking them all.

8           Q    Okay. All right.

9           A    So, I mean, again, there -- we tagged them and so that's what I was saying,  
10 like we put that tag, super handy, I can go in there and run through and be like,  
11 where -- where do we stand? What are we doing? And what's the status of each of  
12 these?

13           BY MS. [REDACTED]

14           Q    So just so I'm clear, so once the directive comes out December 27th, 56 field  
15 offices, as of January 5th, there's 43 Guardians in total from across all of those 56 field  
16 offices?

17           A    Correct.

18           BY MR. [REDACTED]

19           Q    Okay. And on January 3rd --

20           Ms. Greer. One second.

21           [Discussion off the record.]

22           Ms. Moore. As of that moment, at that time, that's how many Guardians we  
23 had. So we may have already closed some, right. So it may not be fully reflective of  
24 everything we'd seen up to that moment on January 5th. This is just what's live at that  
25 moment.

1

BY MS. [REDACTED]

2

Q Right. So --

3

A And it may not all be within our area of responsibility. Again, we kind of

4

talked about that a little bit, too. So maybe it is a poster that lives in Wichita, Kansas,

5

that we're able to -- that we're going to send that to Wichita if it's not specifically

6

something that we can work in our area.

7

Q So, then, there's a difference between the nationwide number of

8

Guardians --

9

A Correct.

10

Q -- associated with that hashtag versus what you're seeing at WFO?

11

A We're still seeing them.

12

Q Okay. So what does the 43 reflect, the nationwide or your AOR?

13

A Nationwide.

14

Q Okay. So as a layperson, I want -- can you explain, if you -- you -- we've

15

seen all of these kind of tips and social media sites and the information that's provided to

16

you by [REDACTED] just what we've seen alone in the document productions, I would

17

say, exceed the number 43 and we're not looking at it nationwide. So as a layperson,

18

that number seems low.

19

A So this kind of goes back to that tricky wording that I talked about at the

20

very, very beginning. So the Guardian is a system, and then type assessments are also

21

referred to as Guardians, so those that have a higher level that we can review. And then

22

we have the pre-assessments, which can also sometimes be called Guardian. So in this

23

count, we are counting our tagged events, so the ones that specifically have been tagged

24

that we find of relevance and importance in that moment.

25

Q Okay. So what about if someone just calls up like Lincoln, Nebraska, on

1 January 2nd and says, I have a cousin who's planning to storm the Capitol. Does that  
2 get --

3 A Well, that would be a Type 1, because we've got specificity and a caller.

4 Q So does that -- is -- would that have been tagged with the same hashtag?

5 A Should have been.

6 Q Okay.

7 [Discussion off the record.]

8 Ms. Moore. So, again, just to -- just to clarify, is what she's asking me to do  
9 there. Different what you said versus somebody calling and saying, my uncle is coming  
10 to protest in D.C., see what I'm saying? So like you're saying, My cousin is going to go  
11 storm the Capitol. I'm going to run that a little bit more down, because why do you  
12 think your -- I'm going to call you back, why do you think your cousin is going to storm the  
13 Capitol? Who is your cousin? I'm going to do database searches on your cousin. I'm  
14 going to see if I've got social media searches on your cousin. I'm going to see if you can  
15 tell me anybody else that can verify what your cousin can do. I'm going to try as quick  
16 as I can to get that to a Type 1 or Type 2 assessment, and then I'm going to go and try to  
17 have a disruption plan to go talk to your cousin, right. Like why do you want to do that?  
18 Now I'm going to try to elicit from your cousin information.

19 BY MS. [REDACTED]

20 Q So my question --

21 A It's different than just telling me somebody is coming to D.C.

22 Q Got it. But just in terms of the narrow assessment of how it's uploaded, is  
23 there a difference between -- in the 43 Guardians that we -- that were counted, is that  
24 type -- is it a Type 1 and a Type 2, or is it only a Type 2?

25 A Okay. So I haven't done a very good job. So there's pre -- I'm so sorry.

1 Like I need like butcher block and some pens here. So it's pre-assessment. Type 1,  
2 Type 2, I don't know why we do this, it's the same thing. So Type 1 and Type 2 are just  
3 lumped together, so it's not like a Type 2 and a Type 1. So pre-assessment is this -- that  
4 generic pool. Type 1 and Type 2 are when we open it and we're peeling back the onion  
5 more.

6

BY MR. [REDACTED]

7 Q And for it to be a Guardian --

8 A They're all Guardians because they're all in the database.

9 Q And they're all being tagged, even the pre-assessment?

10 A That -- if it's a pre-assessment, yes, that was if it had specific information  
11 related to that. Here I think we're reporting -- and I wouldn't -- I would really want to go  
12 back to double-check this, but this should've been what we were really looking at,  
13 because we had hundreds of stuff in there, but this was the stuff that we felt that really  
14 was focusing potentially on something actionable.

15 Q Okay. So for the record, you do not think 43 is the total number of tips in  
16 the system tagged under that -- under "cert unrest." It would've been, just those 43 are  
17 basically what you're tracking?

18 [Discussion off the record.]

19 Ms. Moore. Let me try to explain this again, because I'm not doing -- like we're  
20 both -- if it's coming in from like the general public, right, it's going to go through NTOS.  
21 NTOS is going to do the initial threat and triage on it, and then they're going to send it  
22 out. We are still looking through that.

23 So what I'm saying is, there are currently 43 Guardians, those are the 43  
24 Guardians that we are tagging and truly looking at that have potentially something that  
25 we can do something to. We were -- there was definitely more information received

1       than 43 tips.

2                       BY MR. [REDACTED]

3               Q     Okay. So it could be true that Mary -- something [REDACTED] sent in  
4       wouldn't be part of those 43, still uploaded, as you told me, everything gets uploaded,  
5       but isn't tagged because it hasn't been risen to the level of --

6               A     It may not have been tagged. But remember, I also have an analytical  
7       team, because we recognize this vulnerability, who are doing keyword searches of the  
8       system itself. So they are doing that freelance just search, search, search of the system,  
9       different than tagging, because tagging makes it easy for us. That's our dream.  
10      They're going in and checking for anything else.

11                   BY MS. [REDACTED]

12              Q     But isn't it tagged before it gets to you?

13              A     Not necessarily. You would hope.

14              Q     Isn't that the purpose of the December 27th directive though, to have those  
15      offices tag it with the relevant -- with the -- with the tags so someone like you can assess  
16      it?

17              A     They're tagging it -- but everybody is assessing it as it comes in, so NTOS is  
18      going to -- so NTOS may get a complaint in. As they are putting in the complaint they're  
19      running their initials on it and it is just rhetoric. It's not something that's actionable.  
20      It's going to go in, but it may not be tagged to "cert unrest." The action -- more  
21      actionable pieces are going to be tagged, and but our team is still searching that entire  
22      database in case somebody didn't hit a tag right, or we see like a cumulative match-up of  
23      information.

24              Q     But it sounds like what you're saying is that there is a discretion in terms of  
25      tagging. So our impression was any tip threat coming in related to January 6th got this



1 tag and it's uploaded. But it sounds like, from what you're saying is, there was a step  
2 before that, so not all the information got the same "cert unrest" tag. Can you just  
3 clarify that, because those are two very different things, right?

4 A It's hard to clarify this without the system.

5 [Discussion off the record.]

6 BY MS. [REDACTED]

7 Q Sorry, did you --

8 A I'm still trying to figure out the best way to explain this. It's really, really  
9 hard. And I work in our system, so I -- it can come in and it cannot be tagged because  
10 someone didn't find it to rise to the level of actionable or need a bigger review within the  
11 area of responsibility. Again, that information would still go into our data lake, and  
12 would still be being searched for other things by our, for lack of a better word, like  
13 analysts that are just doing that.

14 Those that are tagged are going to bubble to the top and we're -- because we have  
15 to prioritize, and so, that was kind of that mechanism of prioritizing. So I cannot tell you  
16 exactly at this moment if there were only 43 Guardians still tagged to this event. At that  
17 moment, that was the 43 we were looking at.

18 Q So then, the remaining question is, how many tags were there for Guardians  
19 uploaded about January 6th? So just to zoom out, like the inquiry from the committee  
20 has been about the threat landscape going into January 6th, right?

21 A Right.

22 Q How do you assess that from the Bureau side? Oh, it's the Guardian  
23 system. So then the response has been, on December 27th, this directive came out, 56  
24 offices, everything was hashtagged, so this is what we knew. But it sounds like what  
25 you're saying, is there information that was not with the hashtag that still exists, but

1 we -- and we don't -- how do you -- how do you quantify that?

2 A It's difficult, like, right now. If you were asking me on January 5th is -- well,  
3 we have this, right. But exactly the totality, how many have been tagged, because our  
4 system doesn't tell you -- like you can't historically go back in the system. So if you get  
5 tagged on January 7th because somebody realized it actually related to January 6th as  
6 they're doing other things, it's not going to give me that number. It doesn't tell me that  
7 only on this date. It just tells me the totality of what's tagged.

8 Q Okay. So --

9 A I don't have that number for you. At the bottom -- at end of the day, I  
10 don't have that number.

11 Q Is there a number that the Bureau can provide? Does that number exist?  
12 Because here's how it stands, and this is a little bit off --

13 A Yeah, yeah.

14 Q -- but either we, you know, as we turn this corner and head towards what is  
15 a report-writing exercise, prior to this interview it was the Bureau had 43 Guardians as of  
16 January 5th. And those -- that is the universe of threats and tips about January 6th. If  
17 that is not the case, which sounds like from your answer it is not, then that's something  
18 that is relevant that we should, you know, obviously take into account.

19 Ms. Greer. I think a couple of things: First, EAD Moore can speak to and what's  
20 reflected in the documents as to what WFO was aware of and seeing at the time. The  
21 second piece is, of course, we're taking a look at backwards looking and going back and  
22 looking at things. To the extent that we have uncovered additional information, I think  
23 we can figure out a way to get that to the committee sort of based on what we've learned  
24 since January 6th. But in terms of the snapshot in time of what WFO was seeing in  
25 advance of January 6th, that's what's reflected in the emails and what EAD Moore can

1 speak to.

2 Ms. [REDACTED] So the very -- just to add the caveat about the 43 Guardians is  
3 what WFO is tracking, it is not the universe of what the entire FBI was seeing about  
4 January 6th as of January 5th?

5 Ms. Moore. I don't think we can answer that for the entirety of the FBI, because  
6 I can only answer to WFO. So -- and I know you -- I know I'm frustrating you, and I'm  
7 really not trying to.

8 BY MS. [REDACTED]

9 Q No, I get -- no, I get that, but you've also said that you do have the ability to  
10 see everything --

11 A Correct.

12 Q -- and we also know that the hashtag went to 56 field offices. So where do  
13 you -- where's the line? If it's not 43, is it a larger number that exists? Do you  
14 understand my question?

15 A I think you're asking -- I -- let me ask you if this is what you're asking me.  
16 You're asking for every person that called in that provided some information to some  
17 degree, regardless if it was valid or not, do I have that number? That number is not 43,  
18 right.

19 Q Okay.

20 A So that is different, and that is where I keep talking about there's this lake  
21 and my team is fishing in that that lake and searching, right. What I can tell you is that  
22 the ones that were -- and it may be that on that day, on January 5th, for the totality of the  
23 government, there were -- or totality of the Bureau, there were had 43. I can't  
24 100 percent confirm that, because we did have stuff that got tagged in there that might  
25 actually be the inauguration, or got just inappropriately tagged. I can tell you that on

1       that day we were looking at 43 Guardians.

2               Q     Okay.   And I appreciate that.   And I think, just so I understand, there is  
3       some level of assessment that occurs before it is tagged?

4               A     Correct.

5               Q     Okay.   Oh, go ahead.   Sorry, [REDACTED].

6               A     And it can be tagged at any point.

7               Q     [REDACTED] I promise you we're going to you.   [REDACTED] is going to ask one.

8       [REDACTED]   Thank you.

9               BY MR. [REDACTED]

10              Q     I want to -- we talked about the tunnels.   I want to go back to the tunnels,  
11       because you said I'd love to have it in front of me, so I'd like to give you that intelligence  
12       now.

13              A     Okay.

14              Q     This is -- I know that, or at least we believe that it was something that the FBI  
15       had listed as Guardian and SENTINEL case due to it coming into their NTOC, is what -- this  
16       is the assistant Chief of Police of Capitol Police.   They forwarded it internally, this tunnel  
17       information, and they said that they got it from the FBI.   So I believe it's something that  
18       has been before -- that you've seen before, but I just want to give you the raw  
19       intelligence and see if you remember it, because you said it would be nice for you to see  
20       it.

21              A     Sure.

22              Q     But just with that caveat that I'm giving you something that I believe from  
23       other sources would have been something the FBI, particularly, I assume, the Washington  
24       Field Office, would have seen.   But first, I actually just want to read it into the record,  
25       some of the rhetoric that's on TheDonald.win concerning the tunnels.

1

2

3 Q Can you wait for the question?

4 Ms. Antell. Can we not read it into the record for that reason?5 Mr. [REDACTED] This is a piece of intelligence that -- this has gotten -- we got this  
6 from the Capitol Police, so it has -- why wouldn't we be able to read something --7 Ms. Antell. Is it public?

8 Mr. [REDACTED] Yeah. Yeah.

9 Ms. [REDACTED] Yeah, it's from TheDonald.win.

10 Mr. [REDACTED] It's been reported and put out there. Everyone has seen this, I'm  
11 pretty sure.

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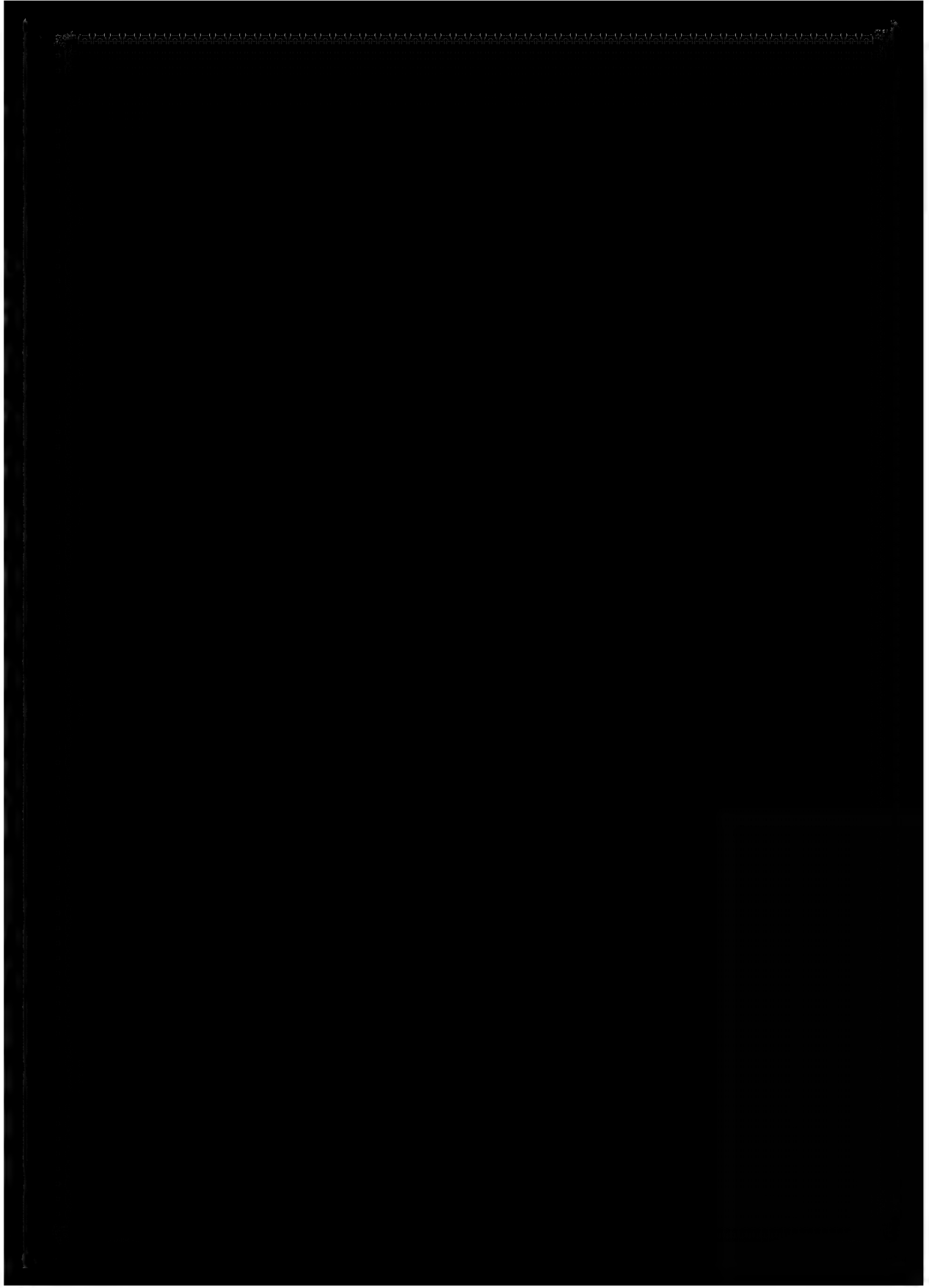
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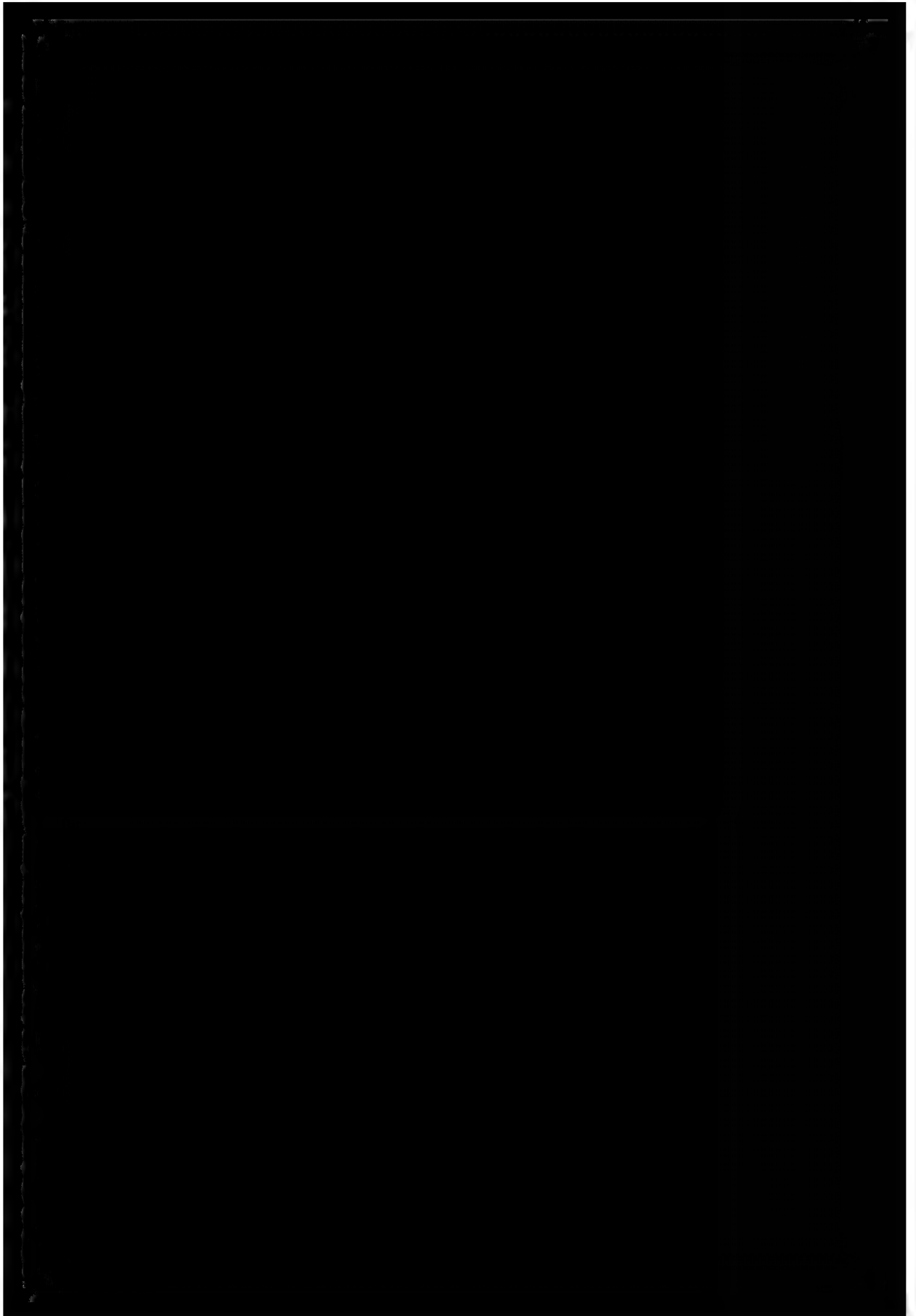
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1

2 Q Okay. Let me ask you about number 4 on the Guardian list and then we'll  
3 get to [REDACTED]

4

5 This is a complaint from North Carolina stating there was a TikTok video with  
6 someone holding a gun saying, Storm the Capitol on January 6th. This screen shot of the  
7 TikTok user reads, I am an enemy of the State, and January 6th storm Capitol under  
8 username. Can you just run through for us how this particular Guardian -- I think it did  
9 get closed. Yes, it was closed, so how it got booked?

9

A It was shared with all of our partners.

10

Q And this would be, again, orally over phone calls?

11

12 A Yes. It was probably -- it could've been both, and I cannot speak to that  
13 specifically. We shared it through emails, potentially through an oral brief with our  
14 partners, and through the dissemination to the JTTF. So this would've been shared with  
15 our partners.

15

16 Q Why wouldn't it merit any further action, either a product, something  
17 written, action?

17

18 A So no gun was actually present in the actual post. The user picture was a  
19 shadow holding a weapon, but it wasn't an actual gun.

19

20 Q Is that -- is that the only -- you know, there was -- had you seen intelligence  
21 of -- with people talking about coming armed to D.C. with actual guns in the --

21

22 A We had seen intelligence that where people were saying come armed, bring  
23 your arms. I mean, we had shared that with our partners. And if I remember  
24 correctly, the mayor put out a thing saying, Hey, it's illegal in D.C. to bring guns. Don't  
25 bring guns to D.C. So that wasn't something we were not aware of.

25

Q I guess what I'm trying to understand is, let's say, if it wasn't a shadow, it was



1 a person, you're telling me that that would've been enough, sufficient for -- that was the  
2 only reason that there wasn't further action taken?

3 A This was opened as a Guardian incident, so very -- it's not the only action.  
4 So we do a litany of database searches, checks, open -- open-source information. It's  
5 not like one or two things. It is pages of checks that we have to go through on every  
6 Guardian incident that we have.

7 Q I didn't say only action. I said it's the only -- you said that the determining  
8 variable here, the reason why there was nothing further to be done was -- I just want to  
9 clarify what I was saying.

10 A I apologize. So thank you for clarifying my statement on the record. No,  
11 that wouldn't be the only thing. It would be the totality of the information that we were  
12 able to do in our workup.

13 Q Okay.

14 BY MS. [REDACTED]

15 Q I just had a couple of questions about TheDonald.win generally. Was that  
16 something that was being -- was on your radar?

17 A Yes.

18 Q And were there -- I know from public reporting there was entries about  
19 TheDonald.win, or information that was provided to the Bureau about it. What -- what  
20 step, other than it being on your radar, did you take in terms of monitoring  
21 TheDonald.win? Was someone -- were you getting daily updates about it? How does  
22 that work?

23 A So we use social media exploitation tools, and those have specific searches,  
24 particular searches that are entered into it. And so, we were getting hits off of that  
25 website. But specifically to troll Donald.Win, again, what people post on Donald.Win is

1 First Amendment-protected activity. I can't just specifically troll one website.

2 Q And when you said you were using -- I'm sorry, the word was you were using  
3 centers to help you kind of go through those sites, what was that, the social media  
4 research?

5 A We have social media exploitation tools that we utilize.

6 Q And why are those used versus the people in your own unit?

7 A We use both.

8 Q Okay.

9 A And we did -- and during this course of this we used both.

10 Q And that was -- wasn't -- was there a particular name for that? Were you  
11 guys Dataminr and ZeroFox?

12 A So there were two. So up until January 1st we were using Dataminr and  
13 then we moved to ZeroFox.

14 Q I'm sure [REDACTED] will get to it.

15 Mr. [REDACTED] We can ask now, unless you're going to [REDACTED].

16 Ms. [REDACTED] Sure. [REDACTED] did you have a couple -- did --

17 Mr. [REDACTED] Oh, there he is.

18 Mr. [REDACTED] I do. I'd love to ask a couple questions, if that's okay.

19 Ms. [REDACTED] Sure.

20 Mr. [REDACTED] First, I'd like to say hi to Megan and Kira. And I think I saw Mark  
21 in the corner. I'm not sure.

22 It's nice to have a SAT talk to us as the head intel professional inside WFO. I  
23 think this is a unique opportunity for us to, you know, talk about process and procedure.  
24 And my questions are going to focus on process and procedure, and I apologize for that.  
25 We will probably be retreading, revisiting some old topics.

1           So I wanted to clarify, I wanted to ask for a bit of clarification. I think you've  
2       done this like seven times already, but I wanted to make sure that I was understanding  
3       this, the notion of tips and leads that come in, Guardians, right. And I'm going to  
4       describe my understanding, and if it's okay, if you can kind of, you know, pick that apart  
5       or tell me if I'm -- if I got this right.

6           The Reporter. Can we turn the volume up?

7           Mr. [REDACTED] Can you just talk directly into the microphone? Yeah, sorry, it's a  
8       little muffled.

9           Mr. [REDACTED] Okay. So is that better?

10          The Reporter. Slightly.

11          Mr. [REDACTED] Hold on one sec. Let me see if I can -- better? Marginally.  
12       Sorry. I'll try to be louder.

13          BY MR. [REDACTED]

14          Q     So there's -- you know, not all tips and leads become Guardians. The  
15       Bureau at NTOC receives 1 million, 1.5 million tips, leads from the public from all sorts of  
16       sources, right?

17          A     Correct. But you're using two -- you're using two words there, so let's stick  
18       to the word "tips." So they received tips.

19          Q     Yeah. No -- yeah, no -- millions -- a million and a half leads a year, or a  
20       million leads -- oh, sorry, tips coming in to NTOC. There's a triage that's in there. That  
21       triage system pushes some of those tips into Guardian, right?

22          A     That is correct, yes, sir.

23          Q     Yeah. And also, Guardian leads can be generated outside of this process.  
24       They can be generated to cases, from -- alter the casework by FBI agents, by a task force  
25       officers --

1 A Correct.

2 Q -- right? Yes.

3 So NTOC keeps a database of all of the tips that they receive that don't reach  
4 Guardian threshold, don't become a Guardian, right?

5 A Correct.

6 Q So in Guardian you have open Guardians that -- Guardians are, first, you said  
7 treated in a pre-assessment kind of state unless it's patently obvious that they become  
8 one-two, right?

9 A Yes, sir.

10 Q Okay. Then they become one-two potentially. Those that don't are  
11 closed, but they stay in Guardian. They stay as documents that can be searchable in  
12 Guardian?

13 A Yes, sir, and searchable in our SENTINEL system.

14 Q Okay. Right. Guardian is in SENTINEL, of course, yeah.

15 So you've got -- from what I've heard, you've got the NTOC of tips that don't  
16 get -- don't make it into Guardian. You've got open and closed Guardians within  
17 SENTINEL. You've got SENTINEL case information that you have to look at to assess a  
18 threat, this is at the very least. You've got SOMEX research that you're doing that may  
19 be appended to a Guardian, may not be appended to a Guardian, may be appended to a  
20 Guardian, may be pre-assessment, may not be pre-assessment. And all of that stuff has  
21 to be kind of assessed to understand a threat in the AOR, at the very least that stuff.  
22 There's other stuff as well, right?

23 A Yes, sir.

24 Q I think you had mentioned DIVS earlier. Is all of that stuff available in one  
25 place for analysts to look at?

1           A    Do you mind expanding upon by one place, are you -- like a single sign-on  
2   and they're in that system?

3           Q    Yeah.

4           A    No, sir.  No.

5           Q    Very arduous to kind of perform this crosscutting analysis, investigative  
6   work, looking at different systems, trying to connect dots, I would imagine?

7           A    It is their job, yes, sir.

8           Q    Okay.  Now I'd like to ask a couple of questions about the SIRs versus IIRs.  
9   And I think -- I just want to clarify here, because I think we may have glossed over the key  
10   differences between SIRs and IIRs, if that's all right.

11          A    Yes, sir.

12          Q    Sorry, Megan, did you --

13          Ms. Greer.  Nope.  Go ahead.

14          BY MR. [REDACTED]

15          Q    Oh, okay.  Sorry.  Now, it's my understanding, please correct me, an SIR  
16   can be multi-sourced?

17          A    Yes, sir.

18          Q    It can have a little analysis in it?

19          A    Yes, sir.

20          Q    And it can go out to law enforcement and the IC?

21          A    Yes, sir.

22          Q    The difference between that and an IIR is an IIR is usually one source, right?

23          A    Yes, sir.

24          Q    Usually classified, or at least FOUO, and it -- there is no analysis appended to  
25   it usually?

1 A Yes, sir.

2 Q And it generally goes to the intelligence community and task force officers  
3 who have -- who are on Joint Terrorism Task Forces, or are plugged into IC systems?

4 A Yes, sir.

5 Q So there is a substantive difference between an SIR and an IIR, and there is  
6 some investigative or analytic kind of value to choosing one or the other?

7 A Yes, sir.

8 Q Right. Which one is easier to do?

9 A IIR.

10 Q Can you tell me why?

11 A It's purely raw intelligence that's disseminated in the form that it comes in  
12 with absolutely no evaluation to it, other than what you read in the information, period.

13 Q Switching gears a little bit, we've talked a lot about Type 1 and 2  
14 assessments, one category essentially now. They were established after the 2008  
15 attorney general guidelines were released, some CASIC (ph) guidelines if remember  
16 correctly. These focus on individuals or groups and they're meant to generate at  
17 least -- I think initially they're meant to generate kind of preventive sorts of investigative  
18 effort, right? I mean, that's why they exist?

19 A Yes, sir.

20 Q And this is post 9/11, of course.

21 And the bulk of this work that you described in WFO related to January 6th was  
22 about culling through all of that raw information and intelligence and trying to  
23 understand whether Type 1 or 2 assessment should be opened up and then working  
24 those -- running those to ground, or helping other field offices run those to ground?

25 A Yes, sir, along with our social media exploitation, but, yes, sir, that would be

1 the bulk.

2 Q Great. So you're essentially looking at individuals or small groups  
3 independently as part of those assessments. That's why those are designed like that,  
4 right?

5 A Yes, sir.

6 Q They're not big picture?

7 A Not as a stand-alone item, no, sir.

8 Q As the intelligence professional at -- the head intelligence professional at  
9 WFO, I mean, you obviously have -- you know the DIOG inside and out. You know the  
10 assessments inside and out. Can you tell me a little bit about a Type 3 assessment?

11 A Yes, sir. A Type 3 assessment is something that we can open on an event  
12 specific, that it can't be just based off of a First Amendment activity or protected activity,  
13 it has to have a lean towards some type of violence or threat to that activity, to that  
14 normally First Amendment-protected activity is what we open that up, and that is to gain  
15 a greater perspective of what is occurring within our area of responsibility for the bigger  
16 picture.

17 Q This is exactly what I'm -- what I was interested in is Type 3 assessment. It's  
18 my understanding, and please, again, amend my understanding if I am wrong here, but  
19 the Type 3 assessment was designed essentially to be anticipatory and  
20 intelligence-focused, right, to understand threat in the AOR, to go beyond Type 1 and 2  
21 assessments where you are looking at individuals or small groups?

22 A Yes, sir.

23 Q Could you tell me how many Type 3s were opened regarding -- from WFO  
24 that covered -- if any, that covered January 6th?

25 A We had one Type 3 open that covered that event. We were -- it was titled

1 PBCA, so we were -- we had used it also for a MAGA I, MAGA II, the actual Election Day,  
2 yes, sir.

3 Q And that Type 3 would capture -- presumably capture the material in the  
4 NTOC database perhaps, perhaps capture information in the open and closed Guardian,  
5 so SOMEX information, any other SENTINEL-related case material?

6 A It could be, sir. It captured a lot of what we were seeing, like you said, on  
7 social media, and then other information could be uploaded into that Type 3 as well to  
8 help form that greater picture within the area of responsibility.

9 Q So my assumption here is that if you've got a one Type 3 assessment,  
10 several, a handful of Type 1, 2 assessments in -- by WFO, are they receiving equal  
11 attention? Are they receiving equal investigative intelligence support, or does  
12 one -- does one trump the other?

13 A No, sir. They're very equal in the sense of everything has to be worked and  
14 everything has to be addressed. We have different individuals who may be, their  
15 primary responsibility is working the Type 1 or Type 2 where someone else might be their  
16 primary responsibility the Type 3, but they're all collaborating and communicating  
17 together, working for the greater end result.

18 Q Okay. Thank you for that. So if the people working the Type 3  
19 assessment, they're aware that there are 43 Guardians out there roughly, whatever the  
20 number is; they're aware that there's lots of violent rhetoric out there based on a variety  
21 of data sets that they have access based on -- presumably based on the NTOC database if  
22 they're actually looking at that; they know that the Proud Boys are coming, a violent  
23 group that presumably the FBI has cases on; they know that Oath Keepers are coming,  
24 again, a group that presumably the FBI has open investigations on; they know that the FBI  
25 has tasked sources, it's DT sources from headquarters to understand the threats,



1 presumably, why isn't -- why wasn't all that information worked into some sort of product  
2 out of the Type 3 assessment? So the Type 3 assessments, I presume, are also the basis  
3 for the development of all sorts of intelligence products?

4 A At that moment in time, we made a decision to use our briefs as the means  
5 of sharing that information, because we felt, at that moment in time, that we were  
6 reaching all of our partners timely and effectively with the information that we were  
7 providing.

8 Q I would imagine that's such a difficult -- that such a determination would've  
9 been difficult to some degree, challenging, looking at the resources you had in front of  
10 you, and looking at the problem, the problem set and the threat streams.

11 With that, is it possible that if the -- that if -- and we're just talking about WFO,  
12 WFO informs its counterparts about this threat strictly from Type 1 and Type 2  
13 assessments that look at individuals and organizations, and essentially the bottom line  
14 from that story is that we don't have actionable intelligence suggesting specific violence  
15 involving those individuals, that you're missing a big part of the intelligence picture that  
16 you have in the Type 3 or in other repositories?

17 A If we were only using the Guardian -- let me ask you if I understood that  
18 correctly, so I apologize.

19 Q Okay.

20 A You're asking me if I'm only looking at the Type 1, Type 2s, would I be  
21 missing other things in the picture? Absolutely. Absolutely. That would be an  
22 incomplete -- we would never do that. That doesn't give you a full picture, correct. I'm  
23 sorry if I didn't relay that to anybody, which I thought.

24 Q I'm sorry, EAD Moore, I keep jumping over you, and I apologize to the court  
25 reporter as well. I'm trying to be loud and -- so that you could hear me, and I apologize

1 for jumping over your comments.

2 Not so much necessarily from your perspective for this question, but imagine  
3 yourself, if you will, in the seat of an 1,800 series investigator or an intelligence analyst  
4 who's not in the FBI, and the only information they get -- and it's a decent amount of  
5 information, but the only information they get from the FBI suggests no individual, no  
6 groups, no credible threat from those individuals or groups. Those are -- there are no  
7 individuals or small groups that have issued, suggested, shown credible threat that was  
8 actionable or very few of them. That looks to be -- that seems like a picture that, in  
9 most cases, would be a natural result from focusing a lot of the release of material on  
10 Type 1 and 2 assessments?

11 A So, yes, sir. So that's why we don't do that. So, again, like off of our Type  
12 1 and 2 assessment, we're gleaning intelligence looking for investigative cases. But  
13 that's where that Type 3 ties into that bigger picture that we're briefing everything that  
14 we're seeing coming off of our social media exploitation, CHS information, because that  
15 wouldn't necessarily be in the Guardian itself. So we would never write a threat picture  
16 off of just a Guardian's, no, sir.

17 Q Right. The default picture that the rest of the community receives is  
18 almost -- like the key information, the information they key on, they focus on is the  
19 Guardian stuff. The Guardian stuff that is focused on -- that leads to Type 1 and 2  
20 assessments that essentially says that individuals or smaller groups are not going -- not  
21 showing credible violence -- potential for credible violence leading up to January 6th.

22 I guess what I'm saying is, or what I'm asking is, if you're focused on releasing  
23 information largely related to that, to those assessments and to that sort of Guardian  
24 information, it really shapes your total picture of the story, especially if your Type 3  
25 assessment you're not using it to inform the people who work -- I mean, it's an

1 AOR-focused assessment, and you're not necessarily pulling together the material in that  
2 assessment for some sort of holistic picture for the actual AOR. I mean, that seems a  
3 little challenging to me, a little troubling. Could you please kind of expound?

4 A Again, we were briefing the information from our Type 3, and we were  
5 utilizing our Guardians as additional point. We were in regular communication with our  
6 partners to see what they were seeing, if it was different than us. I think we've had that  
7 takeaway already, and I'll reiterate it again is that, would we do things differently? One  
8 of the things that I think obviously is top down, bottom up, making sure that what we  
9 were briefing out was going to the highest level of people. Would it have been  
10 now -- could we see doing a product? Sure. Would we have leaned harder into maybe  
11 CHS's -- I mean, we would -- those are things that you would, with hindsight 20/20, yes,  
12 sir.

13 Q Right. I mean, the Type 3 is a vehicle that you can -- you use to  
14 communicate a whole bunch of that material that may not rise to the threshold necessary  
15 to investigate an individual or a group for a violent activity for a crime, you know, possible  
16 crime.

17 And so, again, is this something that would -- I guess, I'm curious, whenever there  
18 is a special event, a concerning rally, protest in your AOR, something that you suspect  
19 might have some violence appended to it, the lives and security of the protesters  
20 themselves might be challenged by the violence or endangered by the violence, is there  
21 an automatic opening of a Type 3 assessment on that event to understand the AOR, to  
22 understand who's coming in, to get a totality of the information, a holistic picture?

23 A Is there an opening of a Type 3 to get a holistic picture whenever we have a  
24 large event that could have -- and this doesn't sound to be like -- I'm not trying to be  
25 evasive. But we, again, have to look at it really closely. We generally open a Type 3,

1 specifically in the Washington Field Office because of where our area of responsibility lies  
2 in conjunction with a legal review to ensure that we're not infringing on anyone's First  
3 Amendment-protected activity.

4 So there has to be some degree of violence or something that leads us to believe  
5 that there could be a threat to that protected activity for us to open that Type 3. But we  
6 always brief what is in that Type 3 to our partners as we get that information.

7 Q But a briefing doesn't necessarily have the same wage as -- potentially as a  
8 product or as some sort of summation of what's in the Type 3 in written format, like it  
9 doesn't have to be a formal product. If it, you know -- I'd imagine that, you know,  
10 writing [inaudible] far more [inaudible].

11 The Reporter. I'm sorry, can you repeat that?

12 BY MR. [REDACTED]:

13 Q I think a written product or an element drawn from a Type 3 for a process  
14 established to -- that mandates or requires for any event that has a potential for violence  
15 or threat -- the threat of violence that a Type 3 be opened, and that there be some sort of  
16 product that is disseminated, either, you know, the written notes that are part of a  
17 briefing or a formal intelligence product. That carries some weight. A written product  
18 is far more, I think, effective or powerful than a briefing, you know, even if --

19 A But our SITREPs -- I'm sorry, I didn't mean to talk over you. I apologize.

20 Q No, no, that's totally okay. A written product drawn from something like a  
21 Type 3 assessment has far bigger impact on consumers, and a far wider reach than a  
22 series of briefings.

23 A So our situational reports were pushed out in written form, and those had  
24 the information that we were receiving from our Type 3, from our CHSes, from the case  
25 information on predicated subjects, along with what we were seeing in our social media

1 exploitation and the information that our partners had provided to us. So our SITREP  
2 that we produced had that information in it.

3 BY MS. [REDACTED]

4 Q Just to follow up on that, was there one SITREP that was done by WFO?

5 A WFO does situational reports, yes. Other agencies may do them as well.  
6 We produce a SITREP multiple -- not -- are you saying a singular one? No. We reduce  
7 them like, I think we were doing them twice a day.

8 Q As -- okay. Those were the emails that we sent?

9 A Yes. Yes.

10 Q But are those the same thing as to what [REDACTED] is asking about, a written --

11 A I think he's looking for a formal product is what he's asking me for, would it  
12 not have been better to write a formal product. Because of the way the information  
13 was coming in, and the speed of which we were investigating stuff and trying to develop  
14 it, we found that the most efficient way to quickly get that out was through the daily  
15 briefs and our situational reports.

16 Q Right. You made that point. I think his question is would a written  
17 product have been more effective, similar to how what --

18 A It might not have been as timely. So what I knew on December 27th is  
19 different than what I knew on December the 2nd, and writing a product and publishing a  
20 product is a timely process. It's not like I go sit down at my computer and I hack that  
21 out, and that's in a finished format that's good enough to go out to the community.

22 Q But it -- how do you reconcile that all this information is coming quickly and  
23 that there is this evolving threat picture that appears to be meaningful with the fact that  
24 a written product is probably more effective for the consumers, meaning your law  
25 enforcement partners?

1

2

3           A     So as we sit in this room, again, we're going to have a lot of takeaways from  
4 this, but our partners did not ask us for a written product. They asked us for briefs and  
5 SITREPs.

6

BY MS. [REDACTED]

7

Q     Well, but --

8

A     So going forward, absolutely. We want to bat 1,000, right?

9

Q     Sure.

10

A     And I wanted -- after a large event like January 6th, we're going to look for  
11 ways to improve. And absolutely that is something we're going to take into  
12 consideration without a doubt.

13

Q     I appreciate that. I guess kind of the bigger picture is that we know for  
14 January 6th there was no joint intelligence bulletin or any kind of threat assessment that  
15 was issued. And just as your reaction to the Capitol Police report that [REDACTED] showed  
16 you, it would have been nice to know, right, at that time when you saw that written  
17 product that we showed you here today.

18

So, similarly, would you agree that had the Bureau put out some sort of  
19 intelligence bulletin written product, that that would have had some sort of impact on  
20 your law enforcement partners, perhaps more so than the daily briefings?

21

A     Perhaps. Again, they were not -- none of our partners, State, Federal, local,  
22 were not asking us for a one product. They were all part of the briefs, they were part of  
23 the information.

24

Q     I get that. But as the FBI is kind of a premier intelligence domestic law  
25 enforcement agency, do your partners need to ask you to put out a product or isn't that

1 something that's part of your mandate?

2 A Absolutely not, they don't -- you're correct, they don't have to ask us to put  
3 out a product. I will say again that in the leading up days to January 6th, we had  
4 produced 12 different intelligence products regarding domestic violent extremists. We  
5 had produced two joint products with Department of Homeland Security, specifically on  
6 domestic violent extremism and domestic violent extremism as it related to law  
7 enforcement officers. Excuse me, violence on law enforcement officers, different  
8 product. So we had been producing products.

9 I know that the committee is specifically asking me, come January 6th, with  
10 hindsight, do I think that I should -- by the very fact that you're asking me that question,  
11 clearly to me means that the committee thinks that I should. And I don't find fault with  
12 that. I think that, in hindsight, I want to take away from January 6th and absolutely do it  
13 better in the future so this never, ever occurs again. So if that's what I have got to do,  
14 then absolutely.

15 Mr. [REDACTED] Would fixing the problem eventually involve directing intelligence  
16 and investigative resources that you have put forward [inaudible] hold your position in  
17 the future to have control over and focus more on the type of reassessment and to  
18 routinize that process so that you develop a record, a track record, well, if this had been  
19 back in 2020, looks like this and nothing happened. In 2021, here is another event that  
20 we did, and it was a Type 3, and there would be a [inaudible] on, there was a bit of  
21 violence on that one, et cetera.

22 So then you start to get a sense of baseline of what it takes in terms of  
23 understanding what's going on in your AOR with regard to protests and being able to  
24 draw the appropriate information from the [inaudible] database, from the open and  
25 closed Guardian, from SOMEX, and from everything else that's such a positive in

1 SENTINEL. Is there value in creating an established process or realigning resources  
2 toward Type 3 assessment that [inaudible] an inventory intelligence [inaudible]?

3 Ms. Moore. I can only speak to how resources are assigned at the Washington  
4 Field Office. And at the Washington Field Office, we had adequate resources assigned  
5 to review our Type 3, to feed into our Type 3, to work our Guardian, those types of things.  
6 So that's what I can speak to.

7 I can't say that to a larger Bureau resource function, I'm afraid I can't answer that  
8 question. I can tell you, again, from the information that we were working with in the  
9 Washington Field Office, our posture was going to be the same. We were going to  
10 continue to work our Guardians. We were going to continue to look at our Type 3  
11 assessment. We were going to continue to do our social media exploitation. We were  
12 going to set up a command post. We were going to activate our specialty teams. And  
13 so I don't think a reallocation of our resources prior to January 6th would have affected  
14 those key functions that we were going to do.

15 Ms. [REDACTED] [REDACTED] I just want to be cognizant of Ms. Moore's time. I think  
16 [REDACTED] has a couple more discrete topics.

17 Mr. [REDACTED] Okay. I want to ask a couple more questions, then I'll --

18 Ms. [REDACTED] Sure.

19 Mr. [REDACTED] I appreciate your patience.

20 BY MR. [REDACTED]

21 Q I just wanted to go back to something from an interchange, [inaudible]  
22 something that I think you had regarding finished intelligence. And it is just that a  
23 SITREP is substantively, substantially different than an SIR or another piece of [inaudible]  
24 intelligence in its reach. And, you know, your key concern certainly is the WFO AOR.  
25 But with regard to protest activity, with regard to events, really, your AOR is the United



1 States, is the globe. And I know it's tough to have that broad a responsibility, but you're  
2 not going to reach that consumer database intelligence of law enforcement consumers  
3 with a SITREP. You're going to reach them with raw intelligence and finished  
4 intelligence potentially, right?

5 A Is your question am I going to reach some -- an international partner with a  
6 SITREP that's been --

7 Q No, no.

8 A -- focused on my area of responsibility, that answer would be no.

9 Q [Inaudible]. So New York or Cleveland or Los Angeles or Portland or San  
10 Antonio?

11 A So the situation of January the 6th, our headquarters also had the NC3 stood  
12 up, which did have that reach across the United States. And they additionally  
13 themselves were producing situational reports that were fed out to all of our field offices  
14 and could be pushed through to our task force officers as well.

15 Q Thank you. I have a final question. If it is singled out, I think, maybe we  
16 can get an answer.

17 Do you think that your resources -- or a way that WFO allocates its intelligence  
18 resources focused more on opening investigations versus anticipatory intelligence  
19 [inaudible]?

20 A No, I don't. That's two different things. So we have --

21 Q Could you please explain?

22 A We have very different makeup for that. And so we have tactical resources  
23 that are focused on opening cases and providing that investigative type tactical  
24 information. And then we have very specific dedicated resources to that larger strategic  
25 AOR type view. Now, if somebody wants to give us more resources, I'm never going to

1 turn down resources.

2 Q How would you -- I mean, I don't know if you could give me numbers, but  
3 how would you compare the bodies that worked on the Type 3 assessment versus the  
4 bodies that worked on various Guardian leads related to January 6th, within your own  
5 division? Were there far more people working Guardian lead, was it roughly equal, you  
6 know, Type 1 or Type 2 investigations, or it was roughly equal Type 1, Type 2, and Type 3?

7 A So we're sort of getting apples to oranges here, and I'm going to try really  
8 hard to stay in my lane. Like, I don't like --

9 Q [Inaudible] the resources. I mean, bodies matter and eyes matter, you  
10 know. It takes multiple perspectives to fully understand something. And I'm curious,  
11 just like, roughly, you know, how many people?

12 A I can't get necessarily into my colleague's lane. Like, I didn't appreciate  
13 Matt Alcock's email comment earlier when he discussed intel and repackaging,  
14 repackaging my partner's information, and I didn't appreciate that.

15 The Guardian network and that portion that's worked comes out of his stuff with  
16 special agents. So I don't want to necessarily talk about how they were staffed. I can  
17 tell you that my intelligence analysts cadre, and by that means both our intelligence  
18 analysts and our support operations specialists were divided up differently. So at one  
19 point, I think -- you have to also remember -- a snippet in time, right? There's still the  
20 rest of the world is going on as we're preparing for January 5th and 6th. And while it's  
21 all hands on deck, and it was most certainly we have the bulk of our resources there, we  
22 just have onesies and twosies out there that are still handling your bank robberies or your  
23 transnational organized crime type things as well or public corruption.

24 But while we were doing this, towards the end, I had I know at one point at least  
25 26 specific resources dedicated just to that Type 3. And that's probably more than the

1 resources at that point running Guardian information. But I can't tell you exactly how  
2 many I had in there, because I didn't kind of look into that. But I do know that because  
3 we were so focused on social media as well feeding into that Type 3, that we had a larger  
4 amount feeding that towards the end of January 6th.

5 Mr. [REDACTED] All right. [Inaudible]

6 Mr. [REDACTED] Thank you.

7 Mr. [REDACTED] Thank you. Thank you to all.

8 Mr. [REDACTED] I know you -- it sounded like you may have wanted a break?

9 Ms. Antell. I think we just wanted to find out about how much longer you have  
10 to assess what kind of a break might be appropriate.

11 Mr. [REDACTED] Sure. No longer than 2:30, I would say.

12 The Reporter. Are we on the record?

13 Mr. [REDACTED] Oh, we don't have to have this on the record, no. Sorry about  
14 that.

15 [Recess.]

16 Ms. Moore. I think [REDACTED] kind of alluded to it, to make sure that I was really clear  
17 on the Guardian system. So NCOS does take in information that is like abhorrent  
18 behaviors, we talked a little bit about like UFOs or things like that. They will put that  
19 into their drop lake, which is called TIPS. So that miscellaneous type of noise doesn't  
20 necessarily go into Guardian. I just want to make sure. Does that make sense?

21 So there is like a TIPS thing over here that's different than substantive. And I  
22 know I keep talking about the layers of the onion, but the TIPS are just truly white noise.  
23 Stuff that goes into the Guardian is that stuff that we start peeling back into.

24 Mr. [REDACTED] Perfect. Thank you.

25 BY MR. [REDACTED]

1           Q    So we know at some point, you know, there was tracking of predicated  
2 domestic terrorism subjects traveling to the area. And exhibit 2 counts it as four as of  
3 January 3rd, 2021. We've heard as high as 18, with 6 ultimately being dissuaded from  
4 the trip. So can you just like work us through the numbers? What is accurate?

5           A    I cannot work you through the numbers. I'm sorry. I don't have the  
6 specificity. I'm sorry.

7           Q    Okay. Is this -- I guess, is this right that as of January 3rd at least, that it  
8 says it's tracking four? Would that be accurate?

9           A    If it -- yes. I --

10          Q    You have no reason to believe --

11          A    I have no reason to believe that's not accurate.

12          Q    Okay. Do you know if it at some point could have grown higher, or could  
13 that have been you -- know, the number that you were tracking kind of reduced once you  
14 figured out whether they were coming or not? Can you like just walk me through how  
15 the number might change?

16          A    So I think what I can walk you through and explain, trying to stay out of some  
17 of my colleagues' lanes there, is that we -- the -- I'm going to give you a different example  
18 and then get you back to this one. Right?

19                So in the Las Vegas Field Office, Las Vegas has lots of big sizable events that people  
20 like to come to. So let's say a big boxing match for a championship, right? Lots and  
21 lots of different type of subjects like to travel to go see that boxing match. So if you are  
22 in Dallas and your subject's traveling to Vegas, you're going to let Vegas know or you're  
23 going to let your program coordinator at headquarters know, and they're going to let Las  
24 Vegas know. So it kind of works like that. So that information comes in in little dribs  
25 and drabs at different times.

1           So similarly to that, for January 6th, we were notified of different travelers that  
2           were coming to the area that were predicated subjects, sometimes by the local field  
3           office. Sometimes the field office had notified headquarters, and then headquarters  
4           would notify us, and ultimately headquarters put a message out to the field and said, hey,  
5           let us know who's coming.

6           I don't know that exact number at this moment, exactly what we came up with.  
7           But what we said was, we have a very specific plan that we need to know. If your  
8           subject is traveling to our AOR, we need to know, how do you have him covered? How  
9           do you know this? Do you know anything sensitive about it? Like, hey, we're coming  
10          to do violence or we are just coming to do a First Amendment right -- First Amendment  
11          protected activity. We don't want to interfere with that. Do you have a mitigation  
12          plan? Can you go out and talk to your subject? Do you have the ability to do that?  
13          Not interfering with their protected First Amendment right.

14          So that was what we were asking for. We were like, hey, go out there, we want  
15          to know why all these people are coming. Get us as much information as you can about  
16          that.

17          Q     And you said that part of that information was about whether they were  
18          coming to attend a First Amendment demonstration or whether there was indications of  
19          violence you said.

20          A     Sure.

21          Q     Did you receive any information as to the latter?

22          A     Not with specificity that we're going to come and storm the Capitol, no.  
23          We know that some of them wanted to come armed, but I don't have that specific  
24          information, no, so --

25          Q     Okay. But you recall at least armed -- you mean you don't have specific

1 numbers for me as to how many, but you do recall that some of the information you  
2 received from the different offices or whoever was tracking them was that some of  
3 theme wanted to come armed?

4 A Yes, sir.

5 Q Okay. Is there anything else in terms of -- you said that their -- nothing that  
6 rose to a certain level, you know, as specific as storming the Capitol. But was there  
7 anything else that you recall in terms of violence?

8 A No, sir.

9 Q Okay. So just the armed is what you meant when you mentioned that --

10 A It was the same rhetoric as what we had gotten. There wasn't anything  
11 with that generic, with that -- generic -- with that very -- it was very generic.

12 Q What sort of rhetoric? How --

13 A Like, we're going storm the Capitol, we weren't seeing that.

14 Q Right.

15 A Or, hey, we're going to all group up as a unified force to do something  
16 that was --

17 Q But can you tell me affirmatively what you did here? You're telling me --

18 A I can't.

19 Q Okay. Because you said it's the same sort of rhetoric, so I --

20 A It's that same, we're going to "stop the steal."

21 Q Okay.

22 A We're going to, you know, Make America Great Again. This vote wasn't  
23 legitimate, that kind of thing.

24 Q Okay. And is it right, you told me you don't know how many subjects  
25 ultimately made the trip?

1           A    I do not know, sir.

2           Q    Okay.   Outside -- you know, you received this notification.   Is there  
3 anything else you did with -- you know, you asked them all to give you this information.  
4 Once you received that information, is there anything else you did?

5           A    Yes.   So we pushed that all out to our partners.

6           Q    And in which ways, through SITREPs or --

7           A    Through our verbal briefings and our situational reports.

8           Q    Got it.

9           A    On a regular basis, we also briefed up our headquarters.   Well, they knew  
10 it, we briefed it again in these -- we were doing it every 2 hour briefs.

11          Q    Okay.   Were you involved at all or was there sort of a directive dissuading  
12 any of them from coming?

13          A    By a directive, do you mean did we try to dissuade any of them from  
14 coming?

15          Q    Sure.   Yes.

16          A    Yes, we did.   We asked again for our specific field offices that had subjects  
17 coming to go out, if they could.   And it was kind of like a Hail Mary, like, hey, if your case  
18 allows and you can, go get in front of your subject and try to really like, hey, why are you  
19 going to D.C.?   Because sometimes just us bumping a subject will prevent them from  
20 doing something.

21          Q    Okay.   And I think I anticipate your answer, but I want to get you on the  
22 record, of course.   So those who did travel, was there any surveillance of their actions  
23 while they were here in the national capital region?

24          A    Was there any surveillance or actions on predicated subjects that were in  
25 the national capital region?

1 Q Yes. The ones that actually made the trip.

2 A We didn't -- to my knowledge, no, sir, we did not conduct specific  
3 surveillance on those. We were utilizing some CHS coverage, I believe. But no, sir.

4 Q Okay. And for the record, CHS is?

5 A I'm sorry, confidential human sources.

6 Q Perfect. Were the identities of the subjects shared with your partners?

7 A The specific names?

8 Q Yep.

9 A No, sir.

10 Q Were their criminal histories or other background information  
11 disseminated?

12 A They were known to be predicated subjects and we would have discussed if  
13 they were known for violence.

14 Q Okay. So does that mean that you don't think that as specific as criminal  
15 histories you would have gone into?

16 A I'm try trying to think --

17 Q You're trying to remember. No problem.

18 A -- like what -- exactly what all we were briefing for that.

19 Q You know, as much as you can recollect, of course.

20 A I would say that we did not go through each traveler's criminal history  
21 independently, other than providing that we had -- and remember that every traveler we  
22 had coming was not necessarily a violent subject. So you could have someone that's in a  
23 money laundering case that was coming to D.C. because they wanted to take -- you know,  
24 participate in a First Amendment protected activity. And so that wouldn't be quite the  
25 same.



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BY MR. [REDACTED]

20

Q Okay. A September media report in The New York Times indicated that an FBI handler remained in close contact with an informant from the Proud Boys before and while he breached the Capitol, and that the FBI had been investigating at least two other January 6th rally goers who the informant was directed to contact.

24

I was just wondering if you had any information about that whatso --

25

A I do not.

1           Q    Okay. I actually want to run just a number by you. I'm not asking if it's  
2           exact, but if it sounds right. The Washington Post had reported that TheDonald.win  
3           resulted in 190 entries in the Guardian system and 128 entries in SENTINEL. Does that  
4           ring accurate to you?

5           A    I do not know.

6           Q    You don't know at all?

7           A    No.

8           Q    You can't even tell me --

9           A    Not -- not in the ballpark at all. I apologize.

10          Q    Okay. No worries.

11          Okay. And then I do want to quickly -- we talked about it very briefly, the switch  
12          in social media monitoring on New Year's Eve, right, from Dataminr to ZeroFOX. In  
13          exhibit 3. I think there's a quote from -- I want to make sure I -- I actually don't know  
14          who it's from. I think it is redacted, but it's to you. And that --

15          A    There I am.

16          Q    That individual writes that, quote, Our social media abilities might be slightly  
17          degraded during this event as we are getting used to this new tool.

18          And my question to you is, was that prediction borne out in your preparation for  
19          January 6th? Did it degrade your abilities even slightly?

20          A    It absolutely changed how we looked at social media. So this was beyond  
21          not the ideal time for this to occur, but in government contracting and contracting  
22          changes, you can't predict the future and when that change is going to happen. I would  
23          have preferred it not to have occurred in this moment, without a doubt.

24          What we did is we adapted differently. So I considered Dataminr like I need to  
25          go dig a ditch and I'm going to use a backhoe to dig that ditch. And I can do that with

1     Dataminr really quickly, right? But when you dig that ditch, you get really giant piles of  
2     dirt, and your edges along the ditch aren't that great. What we did then was we pulled  
3     26, roughly, more analysts in to the picture, and we had them dig it with a shovel. Like,  
4     they just did it by hand. It's the old school way, not ideal.

5             But what the benefit of doing that is Dataminr does report everything it sees in  
6     those grabs. Like, you set your search term up and so it grabs everything it can, right?  
7     But it's not very specific, so it creates a lot of noise. So when you dig it by hand or  
8     you're going out there, you're very specifically searching, very -- and you're reviewing that  
9     information very instantaneously, and it's very direct.

10            So it's a little -- it's different, more laborious. They all get to the same result.  
11     It's just differently and a different amount of resources that it takes to have to do  
12     something like that ultimately. And I have to try because there are some different  
13     techniques in this. We have some very talented individuals within our organization that  
14     can write very talented script and were able to assist us.

15            Mr. [REDACTED] I recall Mr. [REDACTED] has a question he wanted to ask.

16            BY MR. [REDACTED]:

17            Q     Hey, good afternoon, ma'am. I've been the silent observer for a while, but  
18     I do have just one quick question for you.

19            So I heard a lot about what isn't actionable, like, if it's related to First Amendment,  
20     if it's related to a protected class. I was wondering, sort of zooming out from a macro  
21     perspective, can you explain to us what is the threshold for something being actionable?  
22     So, in other words, what makes something -- I understand what doesn't make it  
23     actionable, but I'm trying to understand what does make it actionable.

24            So a piece of information comes in about whatever, and you're making an  
25     assessment about whether or not it meets the criteria for the things it shouldn't be about,

1 right? And so you do that. How do you determine if what's left is actionable?

2 A So I think she had a great example earlier when she said someone calls in  
3 and says, my cousin is going to travel to D.C. and they are going to commit X violent act,  
4 right? That's very specific. So now I have an individual I can recontact. I can find out  
5 who that cousin is. I can do a workup on that cousin. I can do exploitation, you know,  
6 to see. So it gives me that specificity to be able to do more.

7 Q So actionability -- if that's a word -- is tied to specificity?

8 A Correct.

9 Q So the more specific something is, the more actionable it's likely to become?

10 A Absolutely. But there's also this point too, like, when we're in the  
11 pre-assessment phase and even sometimes when we go into the Type 1, like, if I serve, if I  
12 get into a Type 1, I think I can action off of this, right? And I serve a service order on a  
13 mail provider, an email service provider, right, and they come back. The information  
14 that they come back with, it may not be legitimate. And so I may be trying to run this  
15 down and, ultimately, even that becomes unactionable. Does that help at all?

16 Q Yes. I think it does.

17 So to oversimplify it a little bit, it sounds like what you're saying is that whether or  
18 not something is actionable is determined on a case-by-case basis, based in part on  
19 specificity. There doesn't, and correct me if I'm wrong, doesn't sound like there's sort of  
20 an overall set of criteria that you balance something against to say whether or not it's  
21 actionable?

22 A I wish it were a checklist like that. It's simply not easy. Probably [REDACTED]  
23 should explain it, because he did a really good job earlier.

24 But in all seriousness, every pre-assessment that is in the Guardian system has to  
25 go through a certain number of checks. So those are mandatory. And then there's a

1 whole other set of checks that is applicable to this. You know, you can -- and you can  
2 run those. So there are certain things that you must do. And depending upon that  
3 stuff that you must do, if you get further information that you can action, then you can  
4 continue.

5 Q Understood. I appreciate that. Thank you so much. Thank you all.

6 BY MR. [REDACTED]

7 Q If you would turn to exhibit 7. You wrote to Steven D'Antuono, quote, I  
8 know you're getting peppered from the 7th floor boss, so I just wanted you to have this  
9 quickly.

10 And "this" being an update on the travelers. First, just -- I'll ask you what you  
11 meant by that. But first, to whom were you referring when you say the 7th floor boss?

12 A The 7th floor is our executive management at headquarters.

13 Q Okay.

14 A So that would be like our deputy director, our executive assistant directors.

15 Q Okay. Is that Mr. Bowdich?

16 A Yes.

17 Q He's a part of that?

18 Okay. And just explain to me what you meant by that. And also, maybe tie in  
19 how involved were headquarters with the work that you were doing in your branch at  
20 WFO.

21 A So we talked a lot about it. And the atmosphere, it's like, what we were  
22 seeing, we knew that -- the situation was making everyone uncomfortable, right?  
23 This -- all these events had suddenly come to a head together. It was like a perfect  
24 storm. Like we said, we had all these six different events. All of a sudden they're all on  
25 the sixth day. We go from not having, initially early in December, not having a lot of

1 people coming in and to having a lot of people coming in, to seeing really a lot of people  
2 coming in. Source information is now telling us, hey, like, hotels are really booked up  
3 and plane tickets are really sold out.

4 And, you know, all of those pieces are coming together now to go, okay, this is a  
5 really, really large event. And it makes -- it's nervous. Like, people were angry. We  
6 knew that that was reported regularly in the media, there were lots of tweets. People  
7 were angry. There was just this very electric atmosphere. And so everybody's making  
8 sure that everybody's on the tip of that spear driving forward.

9 And so the 7th floor is going, hey, what are you doing? Are you doing this?  
10 And you can't help it. Everybody wants to -- it's not even Monday morning quarterback,  
11 it's Saturday quarterbacking, right, like before the game on Sunday, because they're like,  
12 hey, making sure they're thinking what I'm thinking. I want to make sure they're seeing  
13 what I'm saying. And so they're calling ahead, hey, did you do this, are you doing this.  
14 And they're just checking us.

15 And so we're, like, hey, boss, I know you're getting those questions because that's  
16 the nature of these events. I'm going to give you what I've got right now just in a really  
17 raw form so that you have it so that you can articulate it if you get a phone call.

18 Q Okay. And this may be more of the same, but if you could get to exhibit 19.  
19 And it will be on the -- on the first page of exhibit 19. D'Antuono writes, quote, What I  
20 could gather from the deputy is that the focus is no one knows what is going to happen  
21 and that scares them. So they want to know what the intel is and plan accordingly, but  
22 that is tough, because there really is no centralized role in this for Defense or the Federal  
23 Government components.

24 Can you -- what did you take that to mean? Can you break that down for us?

25 A So we talked about early on that our role at the FBI a lot is an assistant in an

1 NSSE. So for an inauguration, again, the role -- the main roles, like in those NSSEs, fall to  
2 Metro Police Department, who's charged with keeping the city safe; the United States  
3 Capitol Police, who is charged with keeping the Capitol safe, right? You have the Park  
4 Police because a lot of these events happen on their jurisdiction of Federal property.  
5 And so the FBI is just sort of, like, hey, I'm here to help if you want me to help, kind of  
6 thing. This really squarely falls into someone else's lane.

7 So for Federal agencies, like, there are certain things we can and we cannot do,  
8 and we've talked a lot about those different things. And so, again, what WFO is doing in  
9 this preparation, I've repeated ad nauseam, I know you all are tired of hearing me, and  
10 we were continuing to go through our Guardians. We're continuing to use that Type 3.  
11 We're continuing to share information with our partners and do intel briefs. We were  
12 already up on an NSSE, so we were capitalizing on all of those extra meetings that would  
13 be occurring to do that. So that's kind of where we don't have the lead role in this at all.

14 Q Okay.

15 A And even if it had been an NSSE, we still would not have had the lead role.

16 Q And so that part about, you know, that scares them, is that sort of in line  
17 with what you were saying previously that the Saturday morning quarterbacking in  
18 advance, is that --

19 A So I cannot speak to my -- to you Mr. D'Antuono's choice of words with the  
20 term "scared." I don't know that that's just a descriptor, like, hey, they want to make  
21 sure everything's being covered. It's a worry. Like, you always, before a big event, it  
22 doesn't matter. It's not to say like that you're scared. You're not sitting back shaking  
23 by any stretch. I definitely never described deputies out Director Bowdich as scared. I  
24 would say he wants to make sure we're doing everything that we can, as proactively as  
25 possible so that we have the best outcome.

1           Q    And what about his other choice of words, you know, the focus is no one  
2 knows what is going to happen? Does that mean that on January 2nd, that the 7th  
3 floor, as you put it, that they didn't feel that they were getting sort of updates or knowing  
4 what was going down or what the plan was, as it says here, what the intel is and the plan,  
5 or do you feel like that isn't accurate?

6           A    So I think January 2nd is still several days out from the event. So we  
7 definitely -- obviously feeding more information. Again, we just talked about that, right?  
8 Groups, travelers, hotels, airlines, busses. All of that is leading to that picture to go,  
9 whoa, there's a lot of people coming. We don't know what's going to happen when they  
10 get here right? We've had everything from, you know, building defacements to armed,  
11 you know, protesters and counterprotesters going at each other, to actually individuals  
12 with the same viewpoint fighting each other for no apparent reason, other than they  
13 bumped into each other in a crowded march, right? So we've seen everything up to this  
14 point. And so I think everyone doesn't know exactly what's going to go on.

15           If everybody thought that the Capitol had been stormed, then we would be saying,  
16 we think the Capitol is going to be stormed, we think that they should reinforce that. So  
17 I think this was just, again, that overall picture of, hey, nobody -- we know we've got a lot  
18 of crowds, we see all the rhetoric, we know it's hostile; we're not sure where that's going  
19 to be directed.

20           Q    And in that same thread, this is Mr. Alcock saying, if there's info, we haven't  
21 yet seen indicating the FBI should plan to have a larger role in this, i.e. newly designating  
22 January 6th as an NSSE or a likely critical incident will develop a response and a staffing  
23 plan.

24           My question to you is -- you sort of talked about it, if you could just expound a  
25 little bit more. You said that, you know, FBI still wouldn't be the lead agency if it had



1     been designated an NSSE event.   Why wasn't it?   What were -- were there  
2     considerations of doing so?   Is that just -- is that indications if there's a future, or you  
3     meant that January 6th -- or not you, but January 6th, 2021, had the potential to be  
4     categorized as an NSSE, or that never really was a consideration?

5           A     That wasn't anything that I was part of a conversation with.   So I can't  
6     speak to if at Matt's level, with his counterparts, if he was speaking to it being an NSSE.  
7     I think we were all seeing it grow really, really large.

8           Q     Would it have helped you in any way?   I don't know if it -- what would it  
9     have given you, if anything, if it would have given you any sort of benefit to have it be  
10    designated as such?

11          A     If it had been designated as an NSSE, the Department of Homeland Security  
12    would have been responsible for reducing a threat assessment picture in advance of the  
13    event.

14               BY MS. [REDACTED]

15          Q     I'm sorry.   Can you repeat that?   It would have what?

16          A     It would have placed responsibility for producing a product in advance of the  
17    event on a different entity than us.

18          Q     On the Secret Service?

19          A     It -- Department of Homeland Security.

20               But, again, I want to be really clear.   I'm not saying that anybody should have  
21    declared it an NSSE.   That's not in my lane to make that call.   And I'm not trying to push  
22    DHS in front of a bus by any stretch.   I'm going to take my own learning lessons from this  
23    myself and go back to my agency.   I am not trying to say that somebody else failed  
24    where I didn't, or something along those lines.

25          Q     No.   I appreciate that.   So the designation of an NSSE event essentially

1 puts the Federal agency and the Secret Service in charge. But in your mind, does that  
2 mean they would have put out some sort of product or is that still on the Bureau?

3 A They would have put out some sort of product.

4 Q About the intelligence landscape?

5 A Generally, before an NSSE -- because they're usually -- we know an NSSE is  
6 coming up, right?

7 Q Sure.

8 A We know every year that --

9 Q The inauguration is an NSSE.

10 A We know, Right? So usually leading up to that, there is adequate time and  
11 preparation to produce that type product.

12 BY MR. [REDACTED]

13 Q If we can turn to exhibit 22. It says on January 4th of 2021, quote, As of  
14 today, WFO has no information indicating a specific and credible threat.

15 I just want -- I take it that that is your position, that all the way up until January  
16 6th and, of course, the events of the afternoon, that there was no specific or credible  
17 threat that came across your desk?

18 A So this document is from some unknown entity to a different entity. I do  
19 not know where they were getting that information from. Again, their terminology may  
20 be different. Like, one of our takeaways after January 6th is that the credible threat, no  
21 actionable threat is misleading to anybody. Inside of our partners we all know what that  
22 means. That's actually a term that one of our partners uses that we adapted. Going  
23 forward, we're changing that terminology to be more clear. But I didn't author this.

24 Q Oh, of course. Well, then I should have -- I should have -- more fairly, is  
25 that accurate that WFO did not have any information indicating a specific and credible

1 threat? And if you'd like, you can define for us, however -- you said you have used that  
2 phrase that, however, that -- you guys use that phrase -- and whether that was true or  
3 false, given that definition.

4 A I think that sentence stand-alone NSSE is misleading, because we were using  
5 that at times in top of our SITREPs. And then it would then go on to say all the  
6 information that we have. So what it would have been alluding to is that we do not  
7 have specific action that we are anticipating violence on at this time at this place.

8 Q Okay. And then talk to me about why that language, I guess, has been  
9 changed since. What's misleading about -- what is it that -- what is your fear that people  
10 will take away from the way it's stated here?

11 A That we weren't taking the threat landscape seriously. That the social  
12 media posts, we didn't deem that all the rhetoric that we were seeing was credible. And  
13 that's not accurate in any stretch. It was making that bigger definition of a picture for  
14 us, not just that we didn't take it seriously or we didn't -- I think that's how that reads,  
15 and that's not the case at all.

16 Q Is it fair to say, then, that you did have information as to credible threats.  
17 And let's use that in like normal English. Do you feel like you did see credible threats?

18 A Any credible threat or any information that we had -- so, like, we had threats  
19 to Senators or Congressmen, right? We had shared that. So there were threats that  
20 were shared, but threats specifically telling us what was going to happen to that day, we  
21 would not have.

22 Q But you would use the word "credible." Do you feel comfortable saying  
23 those threats -- that there were credible threats?

24 A Any credible threat had been disseminated accordingly, yes.

25 Q All right.

1 A Anything that we felt that could be quickly actioned or handled, yes.

2 Q And you did come across it. It's a --

3 A Like, we shared information we had.

4 Q It's a non-zero number.

5 A I just want to make sure we're talking about the same apple, so I want to  
6 define it, right?

7 Q Sure. Go ahead.

8 A So did I have specific credible information that the Capitol was going to be  
9 stormed that day? No. Did I have other threat information that day? Yes. We had  
10 the threat information to some of the law enforcement, the elected officials -- I'm  
11 sorry -- elected officials, and so we were sharing that information.

12 Q You keep stripping -- the importance of the question is the adjective,  
13 credible threat. So did you feel as though there were credible threats that came across  
14 your desk?

15 [Discussion off the record.]

16 Ms. Moore. It still ties me down. Obviously, we had credible threats, because  
17 we went through some of the Guardians that are now cases, right? So to say --

18 Mr. [REDACTED] You don't have to imply judgment. It's just a yes or no if there  
19 were credible threats. If it's yes, that's fine. I'm not trying to assert any sort of  
20 judgment on it.

21 [Discussion off the record.]

22 Ms. Moore. I'm really not trying to dodge a question here. I'm just trying to  
23 answer it like specifically.

24 BY MR. [REDACTED]

25 Q Sure.

1           A     At that moment in time, I would say that what we had, there was no  
2     unaddressed credible threat, that we were not in some capacity working that. I mean,  
3     we had -- again, we had threats that were opened and shared and pushed to different  
4     places. Did they specifically say they were going to storm the Capitol? No.

5           I mean, we have threats. I don't know, again --

6           Q     Yeah. I'm trying to focus on the word "credible." If you keep stripping  
7     credible, then, yes, it's going to change the question. And so -- and even when you say  
8     there were no unaddressed credible threats, I'm reading that to mean or understanding  
9     that to mean, again, it's a non-zero number. So that would mean that they were  
10    addressed. Credible threats, which means, yes, there were credible threats that came  
11    across your desk.

12          A     Yes. Yes.

13          Q     And so I'm just trying to get --

14          A     I'm sorry.

15          Q     I appreciate it. Thank you.

16                The same exhibit notes that, quote, WFO expects the number of participants to be  
17    fewer than the previous times each time the numbers get smaller.

18                I assume, given the way you've talked about this, that you disagree that that was  
19    ever anything that WFO put out?

20          A     I want -- this is not -- this -- and I'm going to -- it looks like a quote from  
21    somewhere else if it's not. Whoever wrote this, I can't speak to this. This is not what I  
22    was publishing.

23          Q     Perfect. That's all my question is.

24          A     This is absolutely not what I was publishing.

25          Q     WFO was -- did not expect the January 6th event to be smaller in numbers?

1           A    Absolutely not.

2           Q    Okay.

3           A    Especially on January 4th.

4           Q    Got it.

5               Exhibit 24, on January 3rd of 2021, it's an email outside of FBI.   It's an email  
6   Stephanie Dobitsch from DHS I&A appears to learn, at least she indicates that she hasn't  
7   yet determined a threat level for the week, this being Sunday, January 3rd.

8               I just want to ask about your end.   Would that be accurate?   Do you feel as  
9   though by that point -- I guess I'm trying to figure out -- I know you're having all these  
10   calls.   When are you and are you at each call putting out a sort of top level, threat level  
11   for the week, a threat picture, or are you just sort of giving individual pieces of  
12   intelligence, you know, pushing those out, or is there a -- what would have been in a  
13   written product, is there a sort of like top line, summary, threat level picture that's  
14   produced at these?

15            A    So when we go through these partner calls -- and you've got my -- the  
16   situation report, so you see what those are rolling up with.   But on the partner calls, it's  
17   a roundtable, for lack of a better word, and we're going to -- and Metro is usually going to  
18   lead that.   And Metro is going to say, or Secret Service if it was a meeting that we were  
19   capitalizing off of for the NSSE, right, or whoever the chair of that subcommittee is.

20               So it will just go around the table, hey, what are you seeing?   Hey, this is what  
21   the FBI is seeing.   We've got X number of travelers coming in.   We've got some stage  
22   coverage that's told us this.   On social media we continue to see.   And we would even  
23   tie it back to a platform perhaps, TheDonald.win or, you know, whatever that this is the  
24   type of rhetoric we're continuing to see.   And then it would go to the next partner and  
25   the next partner and the next partner.   So there wasn't like, today is my highlight, this

1 is -- I will call this red or yellow, not like that, no, sir.

2 Q Okay. So your reaction to that is that could make sense, that on January  
3 3rd, Sunday, there might not have been a threat level for the week put out by FBI?

4 A There's not a threat level ever put out by the FBI.

5 Q And exhibit 21. I'm almost done. I know we're 1 minute over. On  
6 January 5th --

7 A I want to go back to --

8 Q Yes.

9 A Threat levels for United States Government or for the United States are  
10 owned by DHS, not the FBI. I just want to make sure that we, like, are clear, because  
11 Bureau doesn't ever put out a threat level.

12 Q Okay. Are there not an expectation that the Bureau might put out, again, a  
13 big picture idea of the threat, picture of heading into the week?

14 A So to talk about this specific piece here --

15 Q Sure.

16 A -- this talks about -- whomever wrote this. And I didn't write this. So it's  
17 talking about -- and I'm going to say is that at the morning deputy director meeting -- so  
18 Deputy Director Bowdich would be who I assume they are talking about in this piece of  
19 paper. And every morning at 8:00 there is a briefing. They go around the room, and  
20 there's a quick snippet of what's going on in the world, right? They would not have  
21 briefed January 6th at that meeting because we were having different meetings with  
22 Dave Bowdich prior to this. Like, there had been tons of meetings. This would not  
23 have been the right platform or time for the discussion for January 6th. So whomever  
24 fed this back, Ms. Dobitsch pulled it from the wrong place.

25 Q Okay. On exhibit 21, January 5th, you're forwarded a list of the Members

1 of Congress speaking at the Ellipse. Why would that be something important for  
2 someone in your position to know, if it is?

3 A I think that, again, we would be shared this if we were having specific threat  
4 against those individuals, and to kind of just give us an atmospheric of who's going to be  
5 there and if the crowd's going to get bigger.

6 Q Okay. So as a function of Members of Congress might draw larger crowds?

7 A Sure.

8 Q And not in terms of the rhetoric or they would be --

9 A We would have looked at all of that.

10 Q You would have?

11 A Yeah, sure. We would have looked to see. I mean, we were going to look  
12 to see if we have actionable threats against them that we had shared over to Capitol  
13 Police, to make sure they're aware of anything --

14 Q I meant the rhetoric coming from them, coming from Members of Congress.

15 A Oh.

16 Q Not directed at them.

17 A I'm so sorry.

18 Q That's okay. I assume your answer is different?

19 A So would you mind asking me the question again now that I'm not --

20 Q Sure. No worries.

21 A -- inside threats to them.

22 Q Only other function of how much -- how popular the event might become  
23 because of their attendance, not necessarily because of the rhetoric they might employ  
24 or have been employed in the buildup to January 6th?

25 A Correct.



1 Q At this point, I'd like to ask you about what were the major lessons that you  
2 took away from January 6th? And these are my wrap-up questions, so we shouldn't be  
3 going --

4 Ms. [REDACTED] Can we do one more question before that?

5 Mr. [REDACTED] Yes.

6 BY MS. [REDACTED]

7 Q I just want to ask you about certain reporting that occurred soon after  
8 January 6th, including in The Washington Post. And one of the statements was from,  
9 who I think from the chain of command would have been your direct boss, Steve  
10 D'Antuono -- is that right?

11 A Yes.

12 Q -- who stated to reporters that the agency did not have intelligence  
13 suggesting that the pro-Trump rally would be anything more than a lawful demonstration.  
14 Is that a correct assessment of what you were seeing?

15 A Again, I can't speak to specifically  
16 Mr. D'Antuono. What I can tell you is that we did not have that actionable piece of  
17 intelligence that would have allowed us to know what that crowd was going to do. And  
18 that was one we were monitoring. That we had believed that these groups, when they  
19 had shown up for MAGA 1 and MAGA 2 and other events, had violence tendencies.

20 And so for him to say that we had -- his indication is, did we have anything that  
21 indicated it was going to be other than a First Amendment protected activity? I don't  
22 think that's unfair to say that that's accurate, limitedly. Like, I didn't have a smoking  
23 gun, but I knew that I needed to be aware, and that we were concerned with this many  
24 travelers, this big of an event. And the previous violence we had seen in the city and the  
25 rhetoric that was out in social media and in the news, that we needed to be aware. That

1 was the reason WFO had taken all those proactive steps to additionally -- remember,  
2 we're running a 24-hour command post at this point because we are concerned.

3 So, again, I don't have a smoking gun, but I am continuing to draw intelligence and  
4 desperately trying to stay in front of this to the point that I put my, you know, specialty  
5 teams and brought in specialty teams from other areas to sit in case this went bad.

6 Q But there was certainly information that suggested, taking out the word  
7 "actionable," taking out the word "credible," that suggested it could be more than just a  
8 First Amendment pro-Trump rally. Is that fair?

9 A I would say that we were on ready standby in the event that this became  
10 violent. How it might become violent, we did not see the storming of the Capitol. We  
11 were, again, going off of what we had seen in the past, which was the  
12 protester-on-protester violence, damage to property, that type of stuff.

13 Q The -- the other questions -- I know you've mentioned a lot about being in  
14 touch with your partners and this was kind of your forum of communicating the threat  
15 landscape. Steven Sund, who was the chief of police at that time, said that he never  
16 received that FBI -- the Norfolk, Virginia, intel product, and that this would have impacted  
17 how he would have planned going forward.

18 Do you know how that was shared, if that was shared with Capitol Police prior to  
19 January 6th?

20 A It was absolutely shared with Capitol Police prior to January 6th. This is  
21 one of our takeaways after January 6th. So we use the Joint Terrorism Task Force across  
22 the country. We use our task force to share information back to our partner agencies.  
23 And they share it backwards and it goes up their chain.

24 After Chief Sund has made the statement, that is where we -- that's one takeaway  
25 from January 6th was obviously the intel that we were sharing wasn't getting where it

1 needed to be. And so to fill that gap, we now go from the top down as well. And we  
2 have those chiefs' meetings regularly before a large event, to ensure that they are  
3 hearing it from us, from our heads of office, to their heads of office. So bottom up, top  
4 down to make sure it gets there.

5 Because, I mean, I think even with that intel product that we talked about  
6 that Capitol Police produced within their own agency, it didn't make it all the way to their  
7 chief.

8 Q But during these briefings and the roundtable discussions, what level are you  
9 communicating to at the Capitol Police and with your interagency partners?

10 A With our interagency partners at Metro, those are like deputy chiefs.  
11 They're one under. I cannot tell you what level it is at Capitol Police. I know they were  
12 participating. Beyond that, we have all of our task force officers that are getting that  
13 same intelligence. But it's generally a responsible party from that agency that has been  
14 designated to share and receive intelligence that attends those meetings. So it's  
15 different levels at different ones.

16 Usually it's one -- a lot of our partners, it's one under the chief. Like, for me that  
17 goes, it's my supervisor senior intelligence analyst over that threat landscape. And one  
18 of our assistant special agents in charge go as well, so one under us.

19 Ms. [REDACTED] Okay.

20 BY MR. [REDACTED]

21 Q Okay. I just have two final questions.

22 What were the major lessons learned? You maybe explained one of them, but I  
23 want to give you full terrain here to talk about lessons that you took away from January  
24 6th, obviously from your corner of the world in the intelligence branch at the FBI.

25 A I will say that I want to make sure that everybody understands that we took

1 it very seriously. Like, we were there working 24/7 prior to the event. But as a  
2 takeaway, we want to do better. Nobody ever wants to see what happened on January  
3 6th happen again. So as we reflect on this, that's where we've changed the way we  
4 share information with our partners.

5 We would lean more into source development as well in making sure that we  
6 have -- I mean, it's something we always strive for, but we'll continue to strive even more  
7 direct into.

8 And out of this event, you know, we'll continue to prioritize domestic terrorism  
9 investigations to develop, again, that more robust source database.

10 Q What sort of recommendations, if you know -- what would you think  
11 that -- if you -- you wished you could have had at your disposal or what would have been  
12 different that would have empowered you or your branch to get, you know, to be 100  
13 percent, as you've said, right, to not have any gaps, to not have any failures, if there were  
14 any? Just what -- in an ideal world, what would you recommend?

15 A Lawful access and have lawful authority.

16 Q Explain that.

17 A A lot of encrypted apps I can't get into, even when I have the lawful  
18 authority to look inside of them, I don't have that ability. And that is what we often talk  
19 about would go in the dark. That singularly would be exceptionally beneficial to us.

20 Q Okay. Is that a technological that the encryption -- how do you solve that?

21 A That platforms that offer these encrypted services should have an  
22 unencryption key.

23 Q Okay. And they would have to be regulated in order to --

24 A I'm not saying that we have to regulate them. I'm just -- you asked me  
25 what would have made a difference for me in that we always struggle with that piece,

1 that lawful access. When we talk about I serve lawful paperwork, I go through all the  
2 peeling of the onion when I can serve actual lawful and I get nothing back in return.

3 Q Okay. Any other either paradigm shifts or shifts in thinking or resources  
4 that you think in your former position would have been helpful?

5 A I will never -- no, not in that moment, I did not need more. I did not  
6 believe, I did not need more resources. Again, I'm always happy to take more resources  
7 if somebody wants to give them to us. But in that moment, I think lawful access would  
8 have helped us. Not necessarily seen the difference, but as we talked about, I don't  
9 have access into a closed forum. We do that for First Amendment. You know, we  
10 want to protect people's rights. We live in the United States for a reason. So anything  
11 like that, though, I would have to push back over to our legal or our law units.

12 Ms. Greer. We're more than happy to engage on lawful access along with the  
13 Department if that's something the committee would like to discuss further.

14 [Discussion off the record.]

15 BY MS. [REDACTED]

16 Q I'm just wondering in terms of approaching kind of the intel landscape.  
17 And I understand that you've mentioned that the First Amendment protections exist. So  
18 I guess the challenge for us is always when talking to law enforcement is that tension,  
19 right, between the protected speech versus something that becomes specific or  
20 actionable, and how do you solve for that when something like January 6th happens.  
21 And, in hindsight, you could look back at all these different warning signs that were there.

22 Do you -- how do you reconcile that based upon what -- the job that you had?

23 A I will say that we were seeing what was open publicly available, we were  
24 seeing that. It wasn't that we didn't have that. But we didn't have people coming in  
25 and telling us, hey, your target subjects are talking on encrypted channels that you don't

1 have access to. You should get a court order to get into those access. Like, we didn't  
2 have that kind of coverage, so we didn't have that knowledge. So hindsight's 20/20 on  
3 that.

4 Q Sure. I get kind of the --

5 A But that First Amendment thing, like, that's a very tenuous tightrope that we  
6 walk all the time. That's why I talk about, like, we have legal all the time making sure  
7 that we are staying in the right lane, that we aren't impeding on that.

8 But as you talk about, like, looking back at everything we missed, we were drawing  
9 all of that stuff out of social media. We had all the stuff that was available through open  
10 source. We were getting that. And we were obviously concerned, which is why we  
11 went to the extreme of pouring more resources on to the social media, to ensure that we  
12 were tagging stuff, you know, cert unrest, to making sure that we were talking to our  
13 partners regularly and sharing information, to standing up a command post that was  
14 24/7, to doing 2-hour briefs, and to put in all of our response assets on standby, active  
15 standby.

16 Like, I didn't have a crystal ball. And so we were really trying to work within  
17 what we were seeing. And we were seeing the same thing. It's really easy when, after  
18 an event, to look back and go, oh, that's really inflammatory, but it's just inflammatory.  
19 It still isn't a statement, even put together with 15 other people that say, we're going to  
20 go get crazy in D.C. It's still 15 people telling you, I'm going to get crazy in D.C. What  
21 are they going to do? They're going to get crazy in D.C. I don't know what that means.

22 Q But at any point does that volume of people saying the same thing or coming  
23 to D.C. or coming after our lawmakers, this election was stolen, all of that kind of  
24 drumbeat of the same messaging from a vast amount of people as you saw on social  
25 media, when does that shift the narrative from this isn't just protected speech, it could be

1 something more? Was there ever any such discussion?

2 A Obviously, we were having that talk. We were having that discussion.  
3 That's why we had -- we had the ability to open the Type 3, is we were not just looking at  
4 protected speech; we were looking for signs of violence against that protected activity  
5 that was going to occur in that Ellipse area, which was, you know, a protected gathering.

6 And, yeah, there were -- there was a lot -- that's what we were saying. We were  
7 looking at all of these things. We're seeing hotels get full, we're seeing buses book up,  
8 we know people are getting permits. We know that a lot of people are coming. And  
9 they're saying, we're coming to "stop the steal." But what does that mean? We're  
10 coming to MAGA, Make America Great Again, but what does that mean? And that's not  
11 very specific.

12 Yes. And that's why I'm saying, everybody was on a heightened alert. I  
13 don't -- I talk about I have 100 command posts, but I don't stand up my HRT on ready  
14 callout to come respond to D.C. in the blink of an eye. That's exceptional, that's huge.

15 I brought in two SWAT teams from Baltimore and put them in the national capital  
16 region for rapid response. That's exceptional. I put all of my teams on stand-by and  
17 had everybody, in a COVID environment remind you, when nobody else is at work, we  
18 have got people shoulder to shoulder sitting in our basement ready to deploy in an  
19 instant, because we know it's uncomfortable in the city. We are uncomfortable with  
20 what we've seen. But we don't have specific things that we could do. If we had, we  
21 would have. We absolutely would have. Nobody, nobody wanted this outcome. And  
22 nobody wanted anything violent to happen that day or at any other event that had  
23 previously occurred.

1 [2:48 p.m.]

2 BY MS. [REDACTED]

3 Q And I understand the Bureau took a number of different steps. I guess, as  
4 we, you know -- looking at the entire landscape in hindsight, there is this public narrative  
5 of what more could they have seen. If a layperson who's not a law person is seeing all  
6 these things on social media and everyone said -- calls it there were warnings in plain  
7 sight, that law enforcement could've done more, what's your -- what's your reaction to  
8 that? Because, as you say, you're seeing the same things on social media.

9 A I don't have -- as a Federal Government agency, I don't have authority to do  
10 more than what I did, and that's what we went through. We went through our process  
11 with the legal authorities that we have on that moment leading up to January 6th. So  
12 everybody says, it was in plain sight; I don't understand that. Plain sight what? Again,  
13 I'm coming to Stop the Steal. What does that mean? They were going to commit  
14 violence. If everybody knew and all the public knew that they were going to storm  
15 Congress, I don't know why one person didn't tell us, why we didn't have one source  
16 come forward and tell me that.

17 Q Well --

18 A I wish I did.

19 Q -- certainly there were -- it wasn't just we're coming to D.C., we're going to  
20 Stop the Steal. It's we're going to be armed. There were maps of routes that people  
21 were going to take. There were many items that were flagged in the [REDACTED]  
22 packages that were provided to you that were -- that was more than just we're going to  
23 come to D.C. and Stop the Steal. So those were the data points that people say these  
24 are warnings in plain sight.

25 A And we took those warnings in plain sight, we stuck with command post.



1 We worked 24/7 trying to gather information. We canvassed all of our sources. We  
2 looked into all of our cases. We put -- we worked inside -- we had people inside of  
3 Metro. Metro had a command post out. We had people inside of Metro. We had  
4 Metro inside of our command post. We had partners inside of our agency working 24/7  
5 as well. We're sharing information as soon as we get it. We're doing everything that  
6 we legally can.

7 Q So just to -- and we're wrapping up this point and the entirety of your --

8 A And let me just finish this one point, too.

9 Q Sure.

10 A The [REDACTED] stuff was shared with our partners, so they had it as well.  
11 So we weren't sitting on something that was the key to the kingdom and we didn't share.

12 Q I think, whenever the response is we shared it, it's more so what internally  
13 could you have done, what processes could have been different that would've impacted  
14 whether there was a product issue or intelligence issue? So that's separate from sharing  
15 it, right?

16 All of this information you've established was shared either through briefings or,  
17 you know, in the system itself. But how could that -- that -- all that information have  
18 been put into a different way in terms of a product, I think is, that's the big picture we're  
19 asking.

20 A Again, I think we've already covered that --

21 Q Sure.

22 A -- in the sense that we've said, like as a takeaway from this, if that's what the  
23 committee feels would've made the difference, we absolutely can produce a product in  
24 the future in regards to this. I will say, again, that we did produce twelve products that  
25 year specifically related to domestic violent extremists.

1 Q But none of those twelve products were specific to the event of January 6th?

2 A Correct, but they all billed to the event of -- that this is what we were looking  
3 for --

4 Q But it's hard to say there's twelve products about domestic violence  
5 extremism when there's social media posts about January 6th specifically. So there's no  
6 intelligence product about January 6th?

7 A So I could've written a product -- again, I don't want to get, like --

8 Ms. Antell. I don't know that it's worth --

9 Ms. Moore. Going back and forth. Like --

10 Ms. Antell. You have a --

11 Ms. Moore. -- I can write a product -- yeah, I think you want me to give a  
12 different answer than the one I'm going to give.

13 BY MS. [REDACTED]

14 Q No, and --

15 A And so I can write a product that says, We are seeing thousands of posts that  
16 say Stop the Steal. We are seeing posts of individuals saying, Hey, bring your guns to  
17 D.C. We are seeing posts -- or we have been provided on closed forums that we have no  
18 means to vet or direct investigative activity, someone provided me a clip of this.

19 I can write a product, but that's a useless product. That doesn't meet the four  
20 corners of an intel product. That just tells you in general, Hey, this is what's out there.  
21 It's not making me -- my analysis off of that would be something -- if -- we have a  
22 potential for violence in the Washington, D.C. area of responsibility on January 6th, which  
23 is what had been shared to all of our partners, which is why we were in the red States.

24 Q Okay. So just -- this is the final. So the potential for violence in D.C. -- the  
25 potential for violence in the D.C. area was shared with your partners?

1           A    Yeah.

2           Q    Okay.  But -- and that is the stand-alone of what was shared?

3           A    Okay.

4           Q    But I guess here's where I'm confused.  Is what you're seeing on the social  
5 media posts, that's all shared during these briefings as well, correct?

6           A    Yeah.  And they're seeing them too.  They have -- they have really good  
7 tools as well.  They're not limited like I am.

8           Q    Okay.  So it basically -- and I'm thinking out loud here.  You're -- you find it  
9 credible enough to share with law enforcement partners, but it didn't reach the level to  
10 issue any kind of bulletin.  Is that fair to say?

11          A    I think we made a decision that clearly the committee disagrees with.

12          Q    No, no, no.  Please, I'm not -- when I ask the question, it's not an  
13 assessment of the committee.  It is a question I pose to many folks who have sat here  
14 about whether that joint intelligence bulletin would've made a difference.  Some have  
15 said yes.  Some have said no.  So -- but the -- it's a question.  It's not a conclusion.

16          A    From where I sat on that day, a joint intelligence bulletin with the  
17 intelligence that I had and that the partners had shared with me would not have made a  
18 difference.  It wouldn't have changed how we postured ourselves.  I mean, we were  
19 extremely well-fortified and prepared to help in any way possible, as were many of our  
20 partners.

21                So regardless of that piece of paper that said we got a lot of social media, there's a  
22 lot of people coming to D.C., looks like they might want to do some violence and some of  
23 them are going to have guns, I would have still been monitoring my Type 1s and 2s.  I  
24 would've had a Type 3.  I would've been canvassing my CHSes.  I would've been  
25 monitoring my subjects.  I would've been standing up a 24/7 command post, and I

1 would have had my assets exactly posed exactly as they were. So, I mean --

2 Q I appreciate that.

3 A -- that's where we were.

4 Q I don't have anything else.

5 BY MR. [REDACTED]

6 Q Yeah. Is there anything we didn't ask you that you wanted to share with  
7 the committee?

8 A No, I don't think so. I will say that I hope I haven't like misspoken on  
9 anything. I've tried to be as honest and direct as I absolutely possibly could with the  
10 exception of talking about closed investigations -- or excuse me, closed -- open  
11 investigations. The work that the Washington Field Office intelligence team did, they  
12 were working hard and they were trying really, really hard, and there is nothing I wouldn't  
13 give to change the outcome of January 6th.

14 Ms. [REDACTED] Thank you. We appreciate your time.

15 Mr. [REDACTED] We very much appreciate you taking out 5 hours of your day and  
16 meeting with us. Thank you so much.

17 Mr. [REDACTED] Thank you very much.

18 Mr. [REDACTED] Off the record.

19 [Whereupon, at 2:57 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Date